

**Local Law No. X of 2019 – A Local Law to Amend the  
Zoning Ordinance of the Town of Ulysses**

**Be it enacted by the Town Board of the Town of Ulysses in the County of Tompkins, as follows:**

**Section 1. Authority.**

This local law is enacted pursuant to the provisions of the Municipal Home Rule Law (MHRL) of the State of New York and any other pertinent provisions of the Laws of the State of New York.

**Section 2. Purpose.**

The purpose of the law is to promote the health, safety and general welfare of the community; to conserve land and natural resources and, under and pursuant to the laws of the State of New York, to establish zones wherein regulations concerning the use of land and structures, the density of development, the size of yards, the percentage of a lot that may be occupied, and provisions for parking and control of signs are set forth so as to encourage the appropriate development of the town and the preservation of the rural character of the community in accordance with the Town of Ulysses 2009 Comprehensive Plan and the Town of Ulysses 2013 Agriculture and Farmland Protection Plan.

**Section 3. Specific Zoning Ordinance Amendments – Article II Application**

**§ 212-10 Establishment of Districts**

**The Town of Ulysses Code, Chapter 212: Zoning, Article II – Application, § 212-10**

Establishment of districts is replaced as follows:

- A. For the purpose of this chapter the Town of Ulysses is hereby divided into the following zoning ~~districts~~zones:
  - A/R—Agricultural / Rural Zone
  - A2—Special Agricultural ~~District~~Zone
  - R—Residential Zone
  - ~~R2—Moderate-Density Residence District~~
  - LS—Lakeshore ~~District~~Zone
  - CD—Conservation ~~District~~Zone
  - RM—Multiple-Residence ~~District~~Zone
  - MHP—Manufactured Home Park
  - HC —Hamlet Center Zone
  - HN—Hamlet Neighborhood Zone
  - B1—Business ~~District~~Zone
  - MD—Marina ~~District~~Zone
  - OTMU — Office Technology Mixed Use Zone
  - PR—Park/Recreation ~~District~~Zone
  - DD—Development District

WH–Waterburg Hamlet Zone

- B. The boundaries of these districts are shown on the map entitled "Zoning Map, Town of Ulysses, Tompkins County, New York," as adopted by the Town Board and amended from time to time. Said map and all notations on it or amendments to it are incorporated by reference into this chapter and made part of it.

**Section 4. Specific Zoning Ordinance Amendments – Article III Administration**

The Town of Ulysses Code, Chapter 212: Zoning, Article III, R1 – Administration, § 212-19 Site plan review is amended as follows:

**A. Add to Section C. Procedure:**

- a. (2)(g) Location of all existing streams, drainage-ways, water bodies, wetlands and underground agricultural drain tile and piping.

**B. Replace Section E. (3) Decision:**

- a. (a) No approval or approval with conditions shall be granted until the Board determines that the applicant is in compliance with all other provisions of this and other ordinances.

(b) The project shall be sited and designed so as to be harmonious with the surrounding area and not interfere with the development, use, and enjoyment of adjacent property.

(c) The project shall promote building design that responds to the surrounding neighborhood and demonstrates respect for surrounding historic resources, while allowing for a diversity of architectural styles and original and distinctive design approaches.

(d) The project shall ensure safe and efficient access for all site users, including pedestrians, cyclists, transit passengers, the mobility impaired, and motor vehicles, as applicable.

(e) The project shall be located, designed, and/ or managed to meet its anticipated travel demand, and shall include reasonable efforts to minimize single-occupancy vehicle trips, reduce vehicle miles travelled, and promote transportation alternatives.

(f) The project shall provide for the adequate protection of significant natural, cultural, heritage, and scenic assets on or near the site.

(g) The project contributes to existing pedestrian-oriented rights-of-way in relation to the public realm and streetscape.

(h) The project shall utilize plant materials that are capable of withstanding the climatic conditions of Ulysses and the microclimate of the site, and shall be planted so as to maximize prospects for healthy growth.

(i) The project shall make for the most efficient use of land and municipal services, utilities, and infrastructure.

(j) The Planning Board shall make a decision on the site plan within 62 days after the public hearing, or 62 days after the site plan materials are received if no hearing is required. The time within which the Planning Board must render its decision may be extended by mutual consent of the applicant and the Planning Board. The decision of the Planning Board shall be filed in the Town Clerk's office within five business days after such decision is rendered, and a copy thereof mailed to the applicant.

**C. Add new Section (§ 212-19) M. Streamlined Site Plan checklist for farm operations in a Tompkins County-adopted, State-certified Agricultural District:**

(1) Sketch of the parcel on a location map (e.g., tax map) showing boundaries and dimensions of the parcel of land involved and identifying contiguous properties and any known easements or rights-of-way and roadways. Show the existing features of the site including land and water areas, water or sewer systems and the approximate location of all existing structures on or immediately adjacent to the site.

(2) Show the proposed location and arrangement of buildings and uses on the site, including means of ingress and egress, parking and circulation of traffic. Show the proposed location and arrangement of specific land uses, such as pasture, crop fields, woodland, livestock containment areas, and manure storage/manure composting sites and Animal Waste Storage Facilities.

(3) Sketch of any proposed building, structure or sign, including exterior dimensions and elevations of front, side and rear views. Include copies of any available blueprints, plans or drawings.

(4) Provide a description of the farm operation (existing and/or proposed) and a narrative of the intended use and/or location of proposed buildings, structures or signs, including any anticipated changes in the existing topography and natural features of the parcel to accommodate the changes. Include the name and address of the applicant and any professional advisors. If the applicant is not the owner of the property, provide authorization of the owner.

(5) If any new structures are going to be located adjacent to a stream or wetland provide a copy of the floodplain map and wetland map that corresponds with the boundaries of the property.

(6) Application form and fee.

**Section 5. Specific Zoning Ordinance Amendments – Article IV Terminology**

The Town of Ulysses Code, Chapter 212: Zoning, Article IV Terminology, § 212-22 Definitions is amended by **adding** the following definitions:

**ACCESSORY DWELLING UNIT**

A habitable living unit added to or detached from a single-family residence that provides the basic requirements of living, sleeping, eating, cooking, and sanitation.

### **AGRICULTURAL BUILDING**

A structure designed and constructed to house farm implements, hay, grain, poultry, livestock or other horticultural products. This structure shall not be a place of human habitation.

### **AGRICULTURE-RELATED COMMERCE**

A retail or wholesale enterprise not part of an active farm operation:

- Selling products principally utilized in agricultural production, limited to 1,000 square feet of outdoor display or storage of products. Examples of such products include agricultural equipment and agricultural equipment parts, batteries and tires, feed, seed, and fertilizer;
- Selling livestock;
- Providing agricultural equipment repairs;
- Selling the following products: grain, fruit, produce, trees, shrubs, flowers or other products of agricultural operations;
- Food processing.

The accumulation of trash, debris, garbage or other waste or junk or scrap material is not permitted.

### **AGRICULTURAL EDUCATION AND RECREATION FACILITIES**

Facilities for recreational, educational, and entertainment activities operated in conjunction with and as part of an overall direct farm marketing strategy for an active farm operation or farm market. These facilities shall contribute to the production, preparation and marketing of the following:

- crops;
- livestock and livestock products;
- distilled and brewed products, cider, and wine when composed predominantly of on-farm produced grain, hops, grapes or other fruits; and
- foodstuffs and prepared foods comprised primarily of ingredients produced on the premises for consumption on-site and off-site.

### **AGRICULTURAL EVENTS**

On-farm events, including, but not limited to, farm tours, hayrides, corn mazes, seasonal petting farms, opportunities to pick or cut produce on “pick your own” or “cut your own” fields or orchards or pumpkin patches, educational demonstrations, and classes related to agricultural products or skills offered in conjunction with the above. Events must be directly related to the sale and promotion of the crops, livestock and livestock products produced at the farm; incidental and subordinate to the retail or wholesale sale of the farm’s crops, livestock and livestock products; hosted by the farm operation; and prominently feature the farm’s crops, livestock

and livestock products at all locations in which the event is conducted on the farm.

**AIR-ACTIVATED GRAPHIC**

A sign, all or any part of which is designed to be moved by action of forced air so as to make the sign appear to be animated or otherwise have motion.

**ANIMAL WASTE STORAGE FACILITY**

An animal waste storage impoundment made by constructing an embankment and/or excavating a pit or dugout, or by fabricating a structure consisting of constructed surfaces, tanks, or walls for the purpose of storing waste above or below the ground surface.

**ARTIST'S STUDIO**

A use involving small-scale production or assembly with no noxious by-products, and which may include a showroom or ancillary sales of products. No processes or equipment may be used that create heat, glare, dust, smoke, fumes, odors, or vibration detectable off the property.

**AUCTION HOUSE**

An enclosed place or establishment conducted or operated for compensation or profit as a private or public market where items of a personal or business nature, motor vehicles, machinery, heavy equipment, items of an industrial nature, or items not normally found within retail stores are offered for sale through competitive bidding. The term "auction house" does not include flea markets, yard sales, livestock markets, or bank repossession sales.

**AWNING SIGN**

An awning sign is a sign printed on any of the surfaces of an awning, and which may include an under-awning sign attached to and mounted under the awning.

**BALLOON SIGN**

A sign that is an air-inflated graphic, which may be of various shapes, made of flexible fabric, resting on the ground or a structure and equipped with a portable blower motor that provides a constant flow of air into the device. Balloon signs are restrained, attached, or held in place by a cord, rope, cable, or similar method. See also 'air-activated graphics.'

**BANNER SIGN**

A temporary sign composed of cloth, canvas, plastic, fabric, or similar lightweight, nonrigid material that can be mounted to a structure with cord, rope, cable, or a similar method or that may be supported by stakes in the ground.

**BED AND BREAKFAST**

An owner-occupied, one-family dwelling used for providing overnight accommodations and a morning meal to not more than 10 transient lodgers and containing ~~at least 3 but~~ not more than ~~five~~six bedrooms for such lodgers.

**BLADE SIGN**

A temporary sign constructed of cloth, canvas, plastic fabric, or similar lightweight, non-rigid material and supported by a single vertical pole mounted into the ground or on a portable structure.

**CONSERVATION EASEMENT**

A perpetual restriction on the use of land, created in accordance with the provisions of § 49, Title 3, of the Environmental Conservation Law, or § 247 of the General Municipal Law, for the purposes of conservation of open space, agricultural land or natural, cultural, historic or scenic resources.

**CORNICE**

A projection aligned horizontally along and crowning a building wall, door, window, or other opening in the building wall.

**ELECTRONIC MESSAGE CENTER**

An electrically-activated display that utilizes computer-generated messages or other electronic means of changing sign copy to present variable messages and/or graphic presentations. These signs include displays using incandescent lamps, LEDs, LCDs or a flipper matrix.

**FARM BREWERY**

An entity licensed by the New York State Liquor Authority under Alcoholic Beverage Control Law § 51-a to produce beer and cider.

**FARM CIDERY**

An entity licensed by the New York State Liquor Authority under Alcoholic Beverage Control Law § 58-c to produce beer and cider.

**FARM DISTILLERY**

An entity an entity licensed by the New York State Liquor Authority under Alcoholic Beverage Control Law §61(2-c) to produce liquor.

**FARM OPERATION**

As defined in the Agriculture and Markets Law Article 25-AA, §301, the land and on-farm buildings, equipment, manure processing and handling facilities, and practices which contribute to the production, preparation and marketing of crops, livestock and livestock products as a commercial enterprise, including a commercial horse boarding operation, a timber operation, compost, mulch or other biomass and commercial equine operation. Such farm operation may consist of one or more parcels of owned or rented land, which parcels may be contiguous or noncontiguous to each other.

**FARM OPERATION, ACCESSORY COMMERCE**

A retail or wholesale enterprise operated as an accessory use to an active farm operation on the same premises:

- Selling products principally utilized in agricultural production, limited to 1,000 square feet of outdoor display or storage of products. Examples of such products include agricultural equipment and agricultural equipment parts, batteries and tires; and products allowed to be sold by the New York State Department of Agriculture and Markets such as farm machinery
- Providing agricultural equipment repairs;
- Processing and packaging of food where the predominant ingredient is not grown on-farm.

### **FARM WINERY**

An entity licensed by the New York State Liquor Authority under Alcoholic Beverage Control Law §76-a or §76-d to produce wine and cider.

### **FLOOR AREA**

The sum of the gross horizontal areas of all the floors of a building, measured from the exterior faces of exterior walls, or from the centerline of party walls separating two buildings. Floor area does not include unoccupiable space, within a basement or attic, per the New York State Uniform Fire Prevention and Building Code.

### **INN**

A facility with not more than 15 guest rooms providing temporary overnight lodging for transient guests, including related guest services, including spas, dining rooms, restaurant, meeting and conference facilities, and retail sales that are clearly accessory to, and identified with the business of the facility.

### **LAND ANNEXATION**

The transfer of title of land from its owner to an abutting owner, for consolidation with an abutting lot.

### **LAWN/LANDCAPING SERVICE**

A business or not-for-profit organization that provides yard and garden maintenance service which may include an office or other buildings and structures where equipment, inventory, and vehicles are kept. The accumulation of trash, debris, garbage or other waste or junk or scrap material is not permitted.

### **LIGHT POLE BANNER**

A temporary banner or sign that is designed to be attached to a permanent light pole or other pole structure, and where the temporary sign element can be changed

without modifying the permanent structure.

**LIGHTWELL**

An entry type where part of the building front facade is below ground, entry may step up to the above ground floor and/or step down to the below grade floor.

**MONUMENT SIGN**

A freestanding sign attached to a pedestal or perimeter wall.

**NURSERY AND GREENHOUSE**

Buildings, greenhouses and land used for growing horticultural specialties, including nursery stock, shrubs, trees, flowers, and hothouse plants.

**OFF-PREMISE SIGN**

An off-premise sign is a permanent sign erected, maintained, or used for the purpose of the display of messages not related to the use of, products sold on, or the sale or lease of, the property on which it is displayed and is oriented to and within 660 feet of a state highway.

**ON-PREMISE SIGN**

An on-premise sign is a sign erected, maintained, or used for the purpose of the display of messages or which otherwise directs attention to the use of, products sold on, services provided on, or the sale or lease of the property on which it is displayed.

**PARENT LOT**

Any parcel of land owned individually and separately and separated in ownership from any adjoining tracts of land on the effective date of this chapter which has a total area which exceeds the minimum requirements for lot size, and for which there exists the legal possibility of subdivision, resubdivision, and/or a Development District.

**PENNANT**

A triangular or irregular piece of fabric or other material, whether or not containing a message of any kind, commonly attached by strings or strands, or supported on small poles, intended to flap in the wind.

**PORCH**

A porch is a raised, roofed platform attached to a building forming an articulated entryway and semi-private social space.

**PORCH SIGN**

A porch sign is a sign that is hung from the porch of a building and intended to be viewed from the sidewalk at close range.

**PRACTICABLE**

Capable of being done after taking into consideration of cost, time, technology, and logistics in light of overall project purposes.

#### **REPAIR SHOP, PERSONAL SERVICE**

A store or other place of business at which is conducted the repair of personal customer items such as shoes, clothing, jewelry, etc. or personal service such as barber shops or hairdressers; decorators, dressmakers or tailors; opticians; photographers; digital imaging; video, DVD and other electronic visual and audio entertainment media rentals; and businesses of a similar and no more intense nature.

#### **RESOURCE ANALYSIS**

The inventory and evaluation of natural, historic, and cultural resources on a property to identify those resources to be protected, provide the basis for the maximum density calculation and determine locations for building envelopes.

#### **RETAIL USE** [\[See 'Retail Service'\]](#)

#### **RETAIL SERVICE**

A business having as its primary function the supply of merchandise or wares to the end consumer. Such sales constitute the "primary function" of the business when such sales equal at least 80 percent of the gross sales of the business.

~~A business that provides goods or services directly to the consumer, and where such goods or services are available for immediate purchase on the premises by the purchaser.~~

#### **SIGN COPY**

The graphic content or message of a sign.

#### **SILVICULTURE**

An on-going practice involving the dedicated and cyclic cultivation of trees expressly for the periodic production of timber including harvesting operations, tree nursery operations, site preparation, reforestation and subsequent cultural treatment, thinning, prescribed burning, pest and fire control, surface drainage, and directly associated road construction and maintenance including the felling, skidding, preparation (e.g., delimiting and trimming), loading and initial transport of forest products from an active harvest site. Tree removal in preparation for development or other conversion to a non-forestry use is not silviculture.

#### **STOOP**

A stoop is a small raised platform that serves as an entryway to a building.

#### **SUBDIVISION**

The division of any parcel of land into two or more lots, including the original lot, and plots, sites, or other division of land, with or without streets, for the purpose of

immediate or future sale, transfer of ownership, or development after the date of adoption of § 212-140. The term “subdivision” includes any alteration of lot lines or dimensions of any lots or sites shown on a plat previously approved and filed in the office of the County Clerk. Subdivisions are classified as “major,” “minor,” or “cluster” and further defined in § 212-141.

**VEHICLE SIGN**

Any sign permanently or temporarily attached to or placed on a vehicle or trailer in any manner so that the sign is used primarily as a stationary sign.

**VINEYARD**

Land used in the cultivation of grape-bearing vines, grown for winemaking, raisins, table grapes and non-alcoholic grape juice.

**WALL SIGN**

A sign that is attached flat to or mounted away from, but parallel to, any exterior wall of a structure.

**WINERY**

An entity licensed by the New York State Liquor Authority under Alcoholic Beverage Control Law §76 or §76-c to produce wine.

**Section 6. Specific Zoning Ordinance Amendments – Article IV Terminology**

The Town of Ulysses Code, Chapter 212: Zoning, Article IV Terminology, § 212-22 Definitions is amended by **replacing** the following definitions:

**AGRICULTURE** [*See ‘Farm Operation’*]

**BUILDING HEIGHT**

The vertical distance measured from the average elevation of the proposed finished grade at the front of the building level to the highest point of the roof for flat roofs; to the deck line of mansard roofs; and to the mean height between eaves and ridge for gable, hip and gambrel roofs

**DRIVE-THROUGH**

A facility that dispenses goods through an attendant window or automated machine to persons remaining in vehicles in a designated drive aisle.

**FARM** [*See ‘Farm Operation’*]

**HUNTING CLUB**

A building, facility or organization catering exclusively to members and their guests, and including facilities for trap shooting, target shooting, and archery, for both practice and competition, and other outdoor recreational pursuits by members and their guests, except motorized racing; provided, however, that vending stands,

merchandising or other commercial activities are not conducted on the premises, as may be incidental to the operation and maintenance of the facility, and generally for the benefit of members and to further the purposes of the club.

#### **LODGE**

A building or buildings located on a parcel of at least 15 acres in which overnight accommodations and meals may be offered to paying transient guests, where such use is secondary to an active farm operation or is part of an ~~eco~~-tourism enterprise. The capacity of said facility shall be no more than eight (8) overnight guest rooms.  
~~A building or buildings located on a parcel of at least 20 acres in which overnight accommodations and meals may be offered to paying transient guests, where such use is secondary to an active farm operation or residential use. the parcel on which the lodge is located.~~

#### **MAJOR SOLAR COLLECTION SYSTEM (or MAJOR SYSTEM)**

An area of land or other area used for a solar collection system principally used to capture solar energy and convert it to electrical energy to transfer to the public electric grid in order to sell electricity to or receive a credit from a public utility entity, and/or for on-site use. Facilities consist of one or more ground-mounted solar collector devices, solar-related equipment and other accessory structures and buildings, including light reflectors, concentrators, and heat exchangers, substations, electrical infrastructure, transmission lines and other appurtenant structures and facilities. Major solar collection systems are defined as ground-mounted accessory systems with a total surface area greater than 2,000 square feet of panels.

#### **MINOR SOLAR COLLECTION SYSTEM (or MINOR SYSTEM)**

A solar photovoltaic cell, panel, or array, or solar hot air or water collector device, which relies upon solar radiation as an energy source for collection, inversion, storage, and distribution of solar energy for electricity generation or transfer of stored heat, accessory to the use of the premises for other lawful purposes. Minor solar collection systems are defined as roof- or building-mounted solar collectors greater than 60 square feet on any code-compliant structure, and ground-mounted solar collectors with the total surface area greater than 60 square feet and less than 2,000 square feet.

#### **PROFESSIONAL OFFICE**

A facility for the processing, manipulation, or application of business information or professional expertise, and which may or may not offer services to the public. A professional office is not materially involved in fabricating, assembling, or warehousing of physical products for the retail or wholesale market, or engaged in the repair of products or retail services. Professional offices may include government offices, the practice of an accountant, architect, landscape architect or other design professional, engineer, insurance agent, attorney, real estate agent or broker, securities broker or similar profession, or the place of business or practice of a group of such professionals operating as a partnership, corporation or other legal business arrangement.

## **SIGN**

Any permanent or portable structure, or part thereof, or any device attached to a structure or painted or represented on a structure which displays or includes any lettering, wording, image, model, drawing, banner, flag, insignia, device, marking or representation used as, or which is the in the nature of an announcement, direction, or advertisement visible from a right-of-way whose purpose and design is to convey messages by means of words or images. Public art that contains no commercial messages is not a sign.

## **SIGN FACE**

The surface upon, against, or through which the sign copy is displayed or illustrated, not including structural supports, architectural features of a building or sign structure, nonstructural thematic or decorative trim, or any areas that are separated from the background surface upon which the sign copy is displayed by a distinct delineation, such as a reveal or border.

## **SIGN, TEMPORARY**

Portable signs or any sign not permanently embedded in the ground, or not permanently affixed to a building or sign structure which is permanently embedded in the ground.

## **[Section 7. Specific Zoning Ordinance Amendments – Article V Agricultural/Rural Zone](#)**

**[The Town of Ulysses Code, Chapter 212: Zoning, Article V, A1 – Agricultural District is retitled A/R – Agricultural/Rural Zone and replaced in its entirety:](#)**

### **§ 212-23 Purpose.**

The A/R – Agricultural/Rural Zone is primarily intended to preserve farming and agricultural lands in the Town and also to maintain open space and the quality of life enjoyed by residents of the Town. Agriculture is an important part of the Town’s economy, providing both direct and indirect employment benefits, and it also provides the visual benefits of open space. This zone prioritizes and preserves viable agriculture in the Town by providing an area where agricultural operations and agricultural-based enterprises are the predominant active land uses in the zone. The creation of the Agricultural/Rural Zone illustrates the Town’s commitment to farming and agricultural uses as preferred uses in this zone. The Agricultural/Rural Zone protects existing agricultural areas by limiting suburban and urban development; encourages the continuation of agriculture as a viable economic activity and way of life; reduces land use conflicts; protects ecological and natural resources; and preserves open space. Furthermore, this zoning is designed to preserve the existing agricultural operations that flourish on the ~~town-wide~~ excellent soils and to promote the establishment of new agricultural enterprises to assure the continuation of the rural nature of the town.

**§ 212-24 Right to farm.**

In the A/R Agricultural /Rural Zone, agriculture shall be the primary land use. Within the zone any agricultural practice determined to be a sound agricultural practice by the New York State Commissioner of Agriculture and Markets pursuant to Article 25-AA, § 308, including, but not limited to, practices necessary for on-farm production, preparation and marketing of agricultural commodities, such as the operation of farm equipment; proper use of agricultural chemicals and other crop protection methods; direct sale to consumers of agricultural commodities or foods containing agricultural commodities produced on-farm; and construction and use of farm structures shall not constitute a private nuisance.

**§ 212-25 Permitted uses.**

In the A/R – Agricultural/Rural Zone, the following buildings or uses are permitted:

- A. Farm operation and agricultural buildings including nurseries, greenhouses, orchards and vineyards.
- B. Agricultural events, subject to the standards set forth in Chapter 142: Special Events.
- C. Commercial stables, subject to the standards set forth in Article **XX**, **§212-138**.
- D. Silviculture.
- E. Roadside stands, subject to the standards set forth in Article **XX**, **§212-135**.
- F. Single-family residences, two-family residences, and their accessory buildings are allowed only on parent parcels and newly created [residential-non-agricultural](#) lots subject to limitations in **§ 212-29.1 Limitations on subdivisions of parent tracts**.
- G. On-Farm labor housing as regulated by the New York State Uniform Code. These residences shall be located on the same land where other structures of the farm operation are located. A streamlined Site Plan for siting considerations is required for more than two units. The Town may require a notarized statement from the property owner to certify that the occupants in the on-farm labor housing are employed on the farm.
- H. Temporary buildings as defined in Article **IV**.

**§ 212-26 Permitted accessory uses.**

The following are permitted accessory uses, which are customarily incidental to the permitted uses listed above in §212-25:

- A. Farm Operation, Accessory Commerce when no new building is constructed. [See also 212-27A]
- B. Bed-and-breakfast establishments, subject to the standards for parking, outdoor lighting and signs set forth in Article **XX**.
- C. Customary home occupations, conducted solely by residents of the dwelling.

- D. Accessory dwelling units, subject to the provisions of Article **XX**, §**212-128**.
- E. Family adult care.
- F. Family child care.
- G. Adult care groups.
- H. Fences and walls, subject to the provisions of Article XX, § **212-162**.
- ~~Lodges (moved to site plan approval)~~
- I. Minor solar collection system subject to the provisions of Article XX, § 212-139.1.
- J. Playgrounds.
- K. Professional offices where such office is part of the residential building and no more than three persons not residing on the premises are employed in such office.
- L. Signs as regulated under Article **XX**, §**212-122**; also note Article **XX**, § **212-122F, G, and H**.

**§ 212-27 Uses allowed by Site plan approval.**

The following uses are allowed upon approval of a site plan by the Planning Board, pursuant to **Article III, § 212-19**, subject to the design standards set forth in relevant sections of Article **XX**.

- A. Farm Operation, Accessory Commerce when constructing a new building or adding an addition to an existing building, subject to the provisions of Article **XX**, § **212-139**.
- B. Agriculture-related commerce.
- C. Facilities for agricultural education and recreation events.
- D. Airstrips, private.
- E. Animal processing structures, limited to a maximum building footprint of ~~52~~,000 square feet.
- F. Cemeteries as regulated by New York State, and the buildings and structures incidental to cemetery operations.
- G. Churches, mosques, synagogues, temples and other places of worship, convents, rectories, parish houses.
- H. Communication transmission towers and telecommunications facilities, subject to the provisions of Article **XXII**.
- I. Cottage industries.

- J. Farm Breweries, Farm Cideries, Farm Distilleries, Farm Wineries.
- K. Lawn/landscaping services.
- L. Lodges
- M. Major solar collection systems subject to the provisions of **Article XX, § 212-139.2.**
- N. Small-scale sawmills subject to the provisions of **Article XX, §212-136.**
- O. Wineries.

**§ 212-28 Uses allowed by Special Permit.**

The following uses are allowed upon approval of a Special Permit pursuant to **Article III, § 212-18**, subject to the standards set forth in relevant sections of **Article XX: Design Standards**:

- A. Airports.
- B. Animal confinement regulated by confined or concentrated animal feeding operation (CAFO) regulations, subject to the provisions of **Article XX, § 212-141.**
- C. Animal Waste Storage Facility, subject to the standards set forth in **Article XX, §212-140.**
- D. Group campgrounds subject to the provisions of **Article XX, § 212-127.**
- E. Campgrounds, overnight subject to the provisions of **Article XX, § 212-127.**
- F. Fire stations and other public buildings necessary for the protection or servicing of a neighborhood.
- G. Hunting clubs.
- H. Kennels.
- I. Public and private schools, nursery schools and institutions of higher education, including dormitory accommodations.
- J. Regional parks, wildlife sanctuaries, woodland preserves, arboretums.
- K. Golf courses.
- L. Residential Care/Assisted Living/Rehabilitation Facility

**§ 212-29 Lot area and yard requirements.**

- A. There shall be no more than one principal building on any lot in the A/R – Agricultural/Rural Zone.
- B. There shall be no more than two accessory buildings per lot. Accessory buildings are limited to 144 square feet. No accessory buildings whether attached to or detached from the principal building shall occupy required front yard space or be closer than ten feet from side and rear lot lines.
- C. Minimum lot area shall be 2 (Town Board is considering- one-and-a-half) acres.
- D. Minimum lot width at front lot line shall be 400 feet.
- E. Minimum lot depth shall be 200 feet.
- F. Minimum front yard setback shall be 50 feet.
- G. Minimum side yard setbacks shall be 30 feet.
- H. Minimum rear setback shall be 75 feet.
- I. Maximum building height for any nonagricultural building or structure shall be 32 feet.
- J. Maximum lot coverage shall be 5% of the lot area.
- K. Maximum footprint of a non-agricultural building shall be 5,000 square feet.
- L. Maximum footprint of an agricultural building shall be 20,000 square feet.
- M. Flag lots, subject to the standards set forth in Article XX, § 212-130.

**§ 212-29.1 Limitations on subdivisions of parent tracts.**

In order to protect agricultural uses, to preserve the agricultural value of land, to provide for the retention of tracts of sufficient size to be used reasonably for agricultural purposes, and to preserve the open space of the Town, creation of non-agricultural lots via subdivision shall be limited in the Agricultural/Rural Zone. Agricultural uses are limited to Farm operation and agricultural buildings; Agricultural events; Commercial stables; Silviculture; Roadside stands; On-farm labor housing; Farm Operation, Accessory Commerce; Facilities for agricultural education and recreation events; Animal processing structures; Farm Breweries, Farm Cideries, Farm Distilleries, Farm Wineries; Wineries; Animal confinement regulated by confined or concentrated animal feeding operation (CAFO) regulations; Animal Waste Storage Facilities; and any use determined to be classified as agricultural by interpretation of the Town of Ulysses Board of Zoning Appeals in accordance with § 212-16 (D). Accordingly, and notwithstanding the minimum lot sizes set forth above, the following additional requirements shall apply to land within the Agricultural/Rural Zone:

- A. For the purpose of this section, any tract or parcel of land in common contiguous ownership shall be identified as the parent parcel at the time of adoption of this Zoning Law and ownership shall be determined by deed recorded in the Tompkins

County Clerk's Office as of the date of adoption of this Zoning Law. All lot area requirement calculations established in the Zoning Law of the Town of Ulysses shall be based on the parent parcel. Hereafter, only ~~20~~30% of the total acreage of a parent parcel may be subdivided. Thus, the sum of all ~~residential-non-agricultural~~ lot subdivisions from a parent parcel shall be limited to no more than ~~20~~30% of the area of the parent parcel. At the time of subdivision, the ~~20~~30% of the parent parcel area that is allowed for ~~residential-non-agricultural~~ lot subdivisions may be allocated among newly created parcels and/or retained by the parent parcel in any combination except that no parcel may be allocated acreage for ~~residential-non-agricultural~~ lot subdivisions that is greater than zero acres but less than two (TB is ~~considering~~ 1.5 (one-and-a-half) acres. Newly created parcels that are not allocated residential ~~lot-development~~ rights at the time of subdivision are not eligible for building permits for residential buildings.

- B. Any tract or parcel of land 10 acres or smaller in common contiguous ownership as of the date of the adoption of this Zoning Law, subject to other normally applicable subdivision laws and regulations, hereafter may be subdivided to create up to a maximum of two lots.
- C. Subdivision plats shall include language on the face sheet that states how much land, if any, is available for ~~residential-non-agricultural~~ lot subdivisions. When the limit on ~~residential-non-agricultural~~ lot subdivisions has been reached, the legend shall state that the parcel shall not be subdivided further based on the restrictions set forth in Article XXI: Land Subdivision Regulations.
- D. Clustering of lots is required for Major Subdivision in accordance with **Article XXI § 212-142 O. Cluster subdivisions.**

#### Section 8. Specific Zoning Ordinance Amendments – Article XIV Waterburg Hamlet

The Town of Ulysses Code, Chapter 212: Zoning, Article XIV, H2 Hamlet Residential District is retitled WH – Waterburg Hamlet and the following Sections are amended as follows:

#### **§ 212-85 Permitted accessory uses.**

Such necessary uses as are customarily incidental to the above uses:

Delete: ~~A. Accessory building for residential use.~~

Delete: ~~C. Elder cottages,~~

Add: A: Accessory Dwelling Units, subject to the provisions of Article XX, § 212-128.

**§ 212-86 remove uses by Special Permit. Replace with Uses Permitted by Site Plan Review.**

The following uses are allowed upon approval of a Site Plan pursuant to Article III, § 212-19, subject to the standards set forth in Article XX:

A. Adult care centers.

B. Adult group care.

C. Church, mosque, synagogue, temple or other place of worship, convent, rectory, parish houses.

D. Community center.

E. Library, museum.

D. Nursery school.

E. Public and private community parks and preserves.

**§ 212-87 Lot area and yard requirements.**

A. There shall be no more than one principal building on any lot.

B. Minimum lot area shall be ~~21,780 square feet (1/2 acre)~~ 2 acres.

C. Minimum lot width at front lot line shall be ~~50~~ 400 feet.

D. Minimum lot depth shall be ~~175~~ 200 feet.

E. Minimum front yard setback shall be ~~10~~ 50 feet.

F. Minimum side yard setback shall be ~~5~~ 30 feet.

G. Minimum rear yard setback shall be ~~35~~ 75 feet.

H. Maximum building height for any building or structure shall be 32 feet above average grade measured at the building perimeter.

I. Maximum lot coverage shall be ~~75~~ 15% of the lot area.

J. Maximum footprint of a non-agricultural building shall be 5,000 square feet.

K. Maximum footprint of an agricultural building shall be 20,000 square feet.

**Section 9. Specific Zoning Ordinance Amendments – Article VIII Moderate-Density Residence Zone**

The Town of Ulysses Code, Chapter 212: Zoning, Article VIII, R2 – Moderate-Density District is retitled R — Residential Zone and the following Sections are amended as follows:

- A. § 212-43 Permitted uses:
  - a. Agriculture.
  - b. Single-family residences and their accessory [structuresbuildings](#).
  - c. Two-family residences, provided the second dwelling is contained in the principal building and their accessory [structuresbuildings](#).
- B. § 212-47 Lot area and yard requirements, add:
  - K. Flag lots, subject to the standards set forth in Article XX, § 212-130.

#### **Section 10. Specific Zoning Ordinance Amendments – Article X Conservation District**

The Town of Ulysses Code, Chapter 212: Zoning, Article X, CD – Conservation District; § 212-61 is amended as follows:

- A. Add Subsection M.: Maximum lot coverage by permanent structures shall be 5% of the lot area.

#### **Section 11. Specific Zoning Ordinance Amendments – Article XIII Hamlet District**

The Town of Ulysses Code, Chapter 212: Zoning, Article XIII, H1 – Hamlet District is retitled HC – Hamlet Center Zone and replaced in its entirety:

##### **§ 212-76 Purpose.**

The purpose of the HC—Hamlet Center is to provide opportunities for village- and hamlet-scale residential and small-scale, pedestrian-oriented, commercial development to serve the varied needs of local residents, to encourage redevelopment of the Town's hamlet, and to provide the Town with the ability to assert reasonable controls over such development consistent with the Ulysses Comprehensive Plan and the goals of organized and logical growth, increased employment opportunities and an increased tax base.

##### **§ 212-77 Permitted uses.**

In the HC—Hamlet Center, no building or structure shall be erected, altered or extended, and no land or building thereof shall be used for any purpose or purposes other than the following:

- A. Single-family residence and their accessory [structuresbuildings](#).
- B. Two-family residence and their accessory [structuresbuildings](#).

##### **§ 212-78 Permitted accessory uses.**

Such necessary uses as are customarily incidental to the above uses:

- A. Accessory building for business.
- B. Bed-and-breakfast establishments.

- C. Family child care.
- D. Family adult care.
- E. Home occupations.
- F. Off-street loading areas.
- G. Professional offices, where such office is part of the residence property and no more than three persons not residing on the premises are employed.
- H. Signs as regulated under Article XX, § 212-122; also note Article XX, § 212-122F.
- I. Temporary buildings as defined in Article IV.
- J. Vehicle parking, pursuant to the provisions of Article XX, § 212-121. Parking is not permitted between the facade of a primary building and the street; all parking must be located to the side or behind primary buildings.

**§ 212-79 Uses permitted by site plan approval.**

The following uses are allowed upon approval of a site plan by the Planning Board pursuant to Article III, § 212-19, subject to the design standards set forth in relevant sections of Article XX:

- A. Adult care centers.
- B. Adult group care.
- C. Banks and other financial institutions, provided that there is no drive-through window.
- D. Child-care centers, group child care.
- E. Churches, mosques, synagogues, temples and other places of worship, convents, rectories, parish houses.
- F. Clinics.
- G. Community centers.
- H. Fire stations and other public buildings necessary for the protection or servicing of a neighborhood.
- I. Clubhouse, hall, post, temple and other facilities associated with the activities of social organizations, except that the on-premises sale of alcoholic beverages is prohibited.
- J. Funeral homes.

K. Gasoline and other retail vehicle fuel sales, subject to the standards set forth in Article XX, § 212-131, and subject to the requirement that no gasoline or other retail vehicle fuel sales business locate within 1 mile of any existing gasoline or other retail vehicle fuel sales business.

L. Inn.

M. Libraries, museums.

N. Life-care facilities.

O. Residence, Multiple-family, subject to the provisions of Article XX, § 212-133.

P. Outdoor dining facilities, excluding any permanent structures within any required setback areas.

Q. Places of amusement, such as theatres, including bowling alleys, game arcades, and skating rinks.

R. Professional offices.

S. Public and private schools, nursery schools and institutions of higher education.

T. Public and private community parks and preserves.

U. Residential care/assisted living/rehabilitation facilities.

V. Restaurants, bars and other places for serving food and beverages, and provided that there is no drive-through window.

W. Repair Shop, Personal services, provided the establishment does not exceed 6,000 gross square feet in floor area, with the exception of basement storage areas

X. Retail use, provided the establishment does not exceed 6,000 gross square feet in floor area, with the exception of basement storage areas, and provided that there is no drive-through window.

**§ 212-80 Lot area and yard requirements.**

A. Minimum lot area shall be ~~6,000~~10,000 square feet.

B. Minimum lot width at front lot line setback shall be 50 feet.

C. Minimum lot depth shall be 120 feet.

D. Minimum front yard setback shall be 10 feet for all single-family and two-family residences, bed-and-breakfast establishments and adult- and child-care facilities, and zero

feet for all other uses.

E. Minimum side yard setback shall be five feet, except in the instance where two or more single-family dwellings are attached with a common wall, or two or more commercial structures are attached with a common wall, in which case the setback may be zero feet. Property owners are encouraged, but not required, to

minimize driveway impacts by creating shared driveway easements.

G. Minimum rear yard setback shall be 10 feet, except for detached garages and other accessory ~~structures~~ buildings or parking lots, in which case the minimum setback shall be five feet.

H. Maximum building height for any building or structure shall be 36 feet above average grade measured at the building perimeter.

I. Maximum lot coverage of all buildings and structures shall be 50% of the lot area.

J. No buildings or other structures, or parking areas, shall be located within 50 feet from a stream edge or any wetland as defined by state or federal law.

**§ 212-81 Form requirements.**

A. All primary buildings must include a primary entrance facing the street.

Primary entrances should be architecturally detailed incorporating a porch, stoop, or lightwell for single-family homes and porch, stoop, lightwell, canopy, awning or marquis entries for all other primary buildings.

B. New buildings and any new lots should be designed so that buildings fill a minimum of 60% of the lot width in the Hamlet Center.

C. Buildings including commercial uses must include transparent windows with a view to the building interior covering least 50% of the street facing facade area between 3 feet and 8 feet above grade.

D. New “residence, multiple-family” and non-residential buildings on lots larger than 10,000 square feet must include at least one entry facing the street for every 60 feet of frontage.

E. New buildings must include either peaked roofs, architectural brackets supporting a flat roof or an architectural cornice facing the street.

F. New buildings may not have blank walls longer than 30 feet facing any street.

**§ 212-82 Buffer areas.**

No buildings or other structures, or parking areas, shall be located within 100 feet from a stream or any wetland as defined by local, state or federal law. Streams are required to

have a stream protection setback as defined in Article XX, § 212-124.

**Section 12. Specific Zoning Ordinance Amendments – Article XIII Hamlet Residential District**

The Town of Ulysses Code, Chapter 212: Zoning, Article XIII, H2 – Hamlet Residential District is retitled HN— Hamlet Neighborhood Zone and replaced in its entirety:

**§ 212-83 Purpose.**

The purpose of an HN—Hamlet Neighborhood is to provide opportunities for village- and hamlet-scale residential development to serve the varied housing needs of the residents while preserving the historical nature of the Town. This district encourages the redevelopment of the Town's hamlets while providing the Town and the residents of the district with the ability to assert reasonable controls over development in the designated district that is consistent with the Comprehensive Plan, the historic nature of the district, and organized and logical growth

**§ 212-84 Permitted uses.**

In the HN—Hamlet Neighborhood, no building or structure shall be erected, altered or extended, and no land or building thereof shall be used for any purpose or purposes other than the following:

- A. Single-family residence and their accessory ~~structures~~buildings.
- B. Two-family residence and their accessory ~~structures~~buildings.

**§ 212-85 Permitted accessory uses.**

Such necessary uses as are customarily incidental to the above uses:

- A. Accessory building for business.
- B. Bed-and-breakfast establishments.
- C. Accessory dwelling unit, subject to the provisions of Article XX, § 212-128.

- D. Family child care.
- E. Family adult care.
- F. Home occupations.
- G. Professional offices, where such office is part of the residence property and no more than three persons not residing on the premises are employed.
- H. Signs as regulated under Article XX, § 212-122.
- I. Temporary buildings as defined in Article IV.
- J. Vehicle parking, pursuant to the provisions of Article XX, § 212-121. Parking is not permitted between the facade of a primary building and the street; all parking must be located to the side or behind primary buildings.

**§ 212-86 Uses permitted by Site plan review.**

The following uses are allowed upon site plan approval by the Planning Board pursuant to Article III, § 212-19, subject to the design standards set forth in relevant sections of Article XX:

- A. Adult group care.
- B. Child-care centers, group child care.
- C. Churches, mosques, synagogues, temples and other places of worship, convents, rectories, parish houses.
- D. Community center.
- E. Clubhouse, hall, post, temple and other facilities associated with the activities of social organizations, except that the on-premises sale of alcoholic beverages is prohibited.
- F. Library, museum.
- G. Residence, Multiple-family, subject to the provisions of Article XX, § 212-133. ~~Multiple residences for lease or rent, pursuant to Article IX.~~
- H. Nursery school.
- I. Public and private community parks and preserves.
- J. Residential care/assisted living/rehabilitation facilities.

**§ 212-87 Lot area and yard requirements.**

- A. There shall be no more than one principal building on any lot.

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- B. Minimum lot area shall be 21,780 square feet (1/2 acre).
- C. Minimum lot width at front yard setback shall be 50 feet.
- D. Minimum lot depth shall be 175 feet.
- E. Minimum front yard setback shall be 20 feet.
- F. Minimum side yard setback shall be 15 feet.
- G. Minimum rear yard setback shall be 35 feet, except for detached garages and other accessory ~~structures~~buildings, in which case the minimum setback shall be five feet.

- H. Maximum building height for any building or structure shall be 36 feet above average grade measured at the building perimeter.
- I. Maximum lot coverage for all buildings and structures shall be 30% of the lot area.
- J. No buildings or other structures, or parking areas, shall be located within 50 feet from a stream edge or any wetland as defined by state or federal law.
- K. Flag lots, subject to the standards set forth in Article XX, § 212-130.

### **Section 13. Specific Zoning Ordinance Amendments – Article XVII**

The Town of Ulysses Code, Chapter 212: Zoning, Article XVII, IL – Light Industry District is retitled OTMU— Office/Technology Mixed Use Zone and replaced in its entirety:

#### **§ 212-103 Purpose.**

The purpose of the OTMU – Office Technology Mixed Use Zone is to provide for employment, support local entrepreneurs and stimulate local economic development by providing areas where land uses may include office, research and development; light industrial; overnight lodging accommodations and commercial and service businesses to support area workers and residents. This zone is intended for low-impact and moderate-impact employment uses, which may benefit from close proximity to, but clear separation from residential neighborhoods, and is located adjacent to a state highway access point.

#### **§ 212-104 Permitted uses.**

In the OTMU – Office Technology Mixed Use Zone, no building or structure shall be erected, altered or extended, and no land or building thereof shall be used for any purpose or purposes other than the following:

- A. Agricultural events, subject to standards set forth in Chapter 142: Special Events.
- B. Commercial stable, subject to the standards set forth in Article XX, §212-138.
- C. Farm Operation.
- D. On-farm labor housing.

#### **§ 212-105 Permitted accessory uses.**

In the OTMU – Office Technology Mixed Use Zone, no building or structure shall be erected, altered or extended, and no land or building thereof shall be used for any purpose or purposes other than the following:

- A. Accessory buildings.
- B. Child-care centers, group child care, family child care

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- C. Cottage industry; if structure or use of land exceeds the square footage of the principal dwelling, site plan approval is required.
- D. Indoor and outdoor dining facilities, except that such facilities shall be for the exclusive use of employees or their guests.
- E. Farm operation, accessory commerce.
- F. Fences and walls, subject to the provisions of Article XX, §212-162.
- G. Home occupation.

- H. Minor solar collection system, subject to the provisions of Article XX, §212-139.1.
- I. Off-street loading areas.
- J. Roadside stands, subject to the provisions of Article XX, § 212-135.
- K. Signs as regulated under Article XX, § 212-122; also note Article XX, § 212-122 (F).
- L. Temporary buildings as defined in Article IV.
- M. Vehicle parking, pursuant to the provisions of Article XX, § 212-121.

**§ 212-106 Uses allowed by site plan approval.**

In the OTMU – Office Technology Mixed Use Zone, no building or structure shall be erected, altered or extended, and no land or building thereof shall be used for any purpose or purposes other than the following, upon receipt of site plan approval pursuant to Article III, § 212-19:

- A. Adult entertainment businesses, subject to the standards set forth in Article XX, § 212-125.
- B. Agricultural-related commerce.
- C. Auction house.
- D. Artist's studio.
- E. Bicycle/ski rental business.
- G. Professional offices.
- H. Churches, mosques, synagogues, temples and other places of worship, convents, rectories, parish houses.
- I. Clinic.
- J. Communication transmission towers and telecommunications facilities, subject to the provisions of Article XXII.
- K. Conference center.
- L. Facilities for agricultural education and recreation events.
- M. Farm breweries, farm cideries, farm distilleries, farm wineries.
- N. Fire stations and other public buildings necessary for the protection or servicing of a neighborhood.
- O. Health club.
- P. Hospital.
- Q. Hotel.
- R. Lawn/landscaping service.
- S. Light industry.
- T. Off-premise signs, subject to the provisions of Article XX, § 212-122 (E).
- U. Large- and small-scale sawmills, subject to the provisions of Article XX, § 212-136.

- V. Major solar collection system, subject to the provisions of Article XX, §212-139.2.
- W. Motel.
- Y. Public and private schools, nursery schools, institutions of higher education.
- Z. Public or private park or playground, including accessory buildings and improvements.
- AA. Regional parks, wildlife sanctuaries, woodland preserves, arboretums.
- BB. Research and development enterprises not involving the manufacture, fabrication, processing, or sale of products, with the exception of prototype development.
- CC. Restaurant.
- DD. Retail lumber and building-supply centers.
- EE. Repair shop, personal service.
- FF. Retail use, provided the establishment does not exceed 12,000 gross square feet in floor area, with the exception of basement storage areas, ~~and operates only between the hours of 6:00 a.m. and 11:00 p.m.~~
- GG. Self-service storage facility, subject to the standards set forth in Article XX, § 212-137.
- F. Signs, subject to limitations set forth in Article XX, § 212-122.
- HH. Warehouse, provided the establishment does not exceed 20,000 gross square feet in floor area.
- II. Wineries.

**§ 212-107 Uses by special permit.**

The following uses are allowed upon approval of a special permit pursuant to Article III, § 212-18, and upon receipt of site plan approval from the Planning Board, pursuant to the provisions of Article III, § 212-19, subject to the standards set forth in Article XX:

- A. Auto body and repair shop, subject to the standards set forth in § 212-131.
- B. ~~Any establishment ordinarily operating between the hours of 11:00 p.m. and 6:00 a.m.~~ Boat repair and service shop, subject to the standards set forth in § 212-131.

**§ 212-108 Lot area and yard requirements.**

- A. Minimum lot area: none, subject to approval by the Tompkins County Health Department as set forth in § 212-8.
- B. Minimum lot width at front lot line: none.
- C. Minimum lot depth: none.

- D. Minimum front yard setback shall be 50 feet in the case of a public road right-of-way. In cases where the lot or parcel fronts on a private interior street or road, the minimum front yard setback shall be 80 feet from the center line of said street or road.
- E. Minimum side yard setbacks shall be 25 feet.
- F. Minimum rear setback shall be 35 feet.
- G. Maximum building height for any building or structure shall be 32 feet above average grade measured at the building perimeter.
- H. Maximum lot coverage by all buildings, structures and impervious surfaces shall be 50% of the lot area.
- I. Maximum footprint of any building (agricultural or non-agricultural) shall be 20,000 square feet.

**§ 212-109 Buffer areas.**

- A. Wherever an OTMU – Office Technology Mixed Use District abuts an R—Residential Zone, RM—Multiple-Residence District or HC—Hamlet Center, there shall be in addition to the required side yard and rear yard a vegetated buffer area of not less than 50 feet. No building or structure, parking or outside storage of any kind shall be allowed within this buffer area. All buffer area plantings shall be subject to the requirements of Article XVI, § 212-124.
- B. No buildings or other structures, or parking areas, shall be located within 100 feet from a stream or any wetland as defined by state or federal law. Streams are required to have a stream protection setback as defined in Article XX, § 212-124.

**Section 14. Specific Zoning Ordinance Amendments – Article XX Design Standards**

The following Sections of Town of Ulysses Code, Chapter 212: Zoning, Article XX, Design Standards are replaced in their entirety:

**§ 212-121 Standards for access, parking, and circulation in all zoning districts.**

A. Purpose.

The design objective for the access, parking, and circulation standards is to:

1. Emphasize the importance of site accessibility from a variety of modes of transportation wherever appropriate, including pedestrians, bicycles, automobiles, and current or potential future transit service;
2. Ensure the appropriate site location and design features that mitigate the impact of parking lots on other land uses and design goals for surrounding districts;
3. Create the least visible impact of parking on adjacent private and public property;

4. Promote parking designs that minimize runoff and incorporate infiltration of stormwater into the ground; and

B. Loading Areas

1. In R, HN, and HC, no loading berth may be located on a front facade, and no loading area may be located in a front yard.
2. For building larger than 5000 square feet devoted to a use that is allowed in the B1—Business District, HC—Hamlet Center Zone, and OTMU – Office Technology Mixed Use Zone, but not allowed in the R or RM district, there shall be one off-street loading space for each 20,000 square feet of floor area or portion thereof.
3. Where any loading area is located within 50 feet of, and visible from, an interior side or rear lot line that abuts any lot in an R—Residential Zone, LS—Lakeshore District, CD—Conservation District, RM—Multiple-Residence District, MD—Marina District, HN – Hamlet Neighborhood, or MHP—Manufactured Home Park District, the loading area must be screened by a vegetated buffer yard, designed per § 212-124.

C. Parking design standards.

1. Except in the case of single-family and two-family dwellings, there shall be no parking allowed in any required front yard, side yard or rear yard setback areas, except in established driveways.
2. The minimum allowable dimensions of a parking space in a parking lot shall be nine feet wide by eighteen feet long, the minimum allowable dimensions for a parallel parking space shall be seven feet wide by eighteen feet long. Parking spaces so designated for persons with disabilities shall include on one side a minimum of an additional four feet of width in order to accommodate wheelchair lifts.
3. Travel aisles for vehicles within a parking lot shall be a minimum of 22 feet in width for aisles intended for two-way traffic. Where angled parking with one-way traffic circulation is proposed, the minimum aisle width shall be 13 feet if the angle of the parking spaces is 45° from the perpendicular, and 18 feet if the angle of the parking spaces is 60° from the perpendicular.
4. All off-street parking shall be surfaced so as to be durable and well-drained with design consideration based on the expected level of traffic for the parking area and shall be provided with necessary access drives.
5. All parking areas are to be maintained in a well-kept condition.
6. Permeable pavement shall should be used when possible to reduce stormwater runoff.

D. Pedestrian design standards

1. Pedestrian facilities must provide connecting main entrances to parking, adjacent public rights-of-way and transit stops, and all uses on a site that allow for public access. Pedestrian facilities must be paved with a fixed, firm, and non-slip material.
2. Pedestrian facilities must be provided between rows of parking spaces.

E. Landscape Plan.

1. All developments subject to Site Plan Review § 212-19 must submit a landscape plan. Where developments involve either 10,000 square feet or more of development area or construction or reconstruction of a parking lot containing 20 or more spaces, the landscape plan must be stamped by a New York State licensed landscape architect. Single-family dwellings, two-family dwellings, and multiple-family residences (Residence, Multiple-Family) of 6 units or less are exempt from this requirement.
  - a. At least 10% of the interior of the parking lot, calculated as the total surface area of all parking spaces, drive aisles, and interior landscape, must be landscaped.
  - b. Where any parking lot is located along, within 50 feet of, and visible from, a public right-of-way the parking lot must be screened by a vegetated buffer, per Section 212-124.
  - c. Where a proposed parking lot is larger than nine spaces in size, there shall be planted one deciduous canopy tree for every five parking spaces proposed. Said trees shall be of a species with a height at maturity of at least 30 feet, of a species known to be compatible with regional climate conditions, and shall be at least 2.5 inches in diameter and four feet from the ground at time of planting. Trees used to meet this requirement must be planted within the perimeter of the parking area.
  - d. Where any parking lot is larger than 9 (nine) spaces the parking lot must be screened by a vegetated buffer yard, designed per § 212-124

**§ 212-122 Standards for signs.**

A. Purpose. The purpose of this article is:

1. to provide standards to protect the public health, safety and welfare by controlling the number, location, construction, installation, illumination and maintenance of all signs and sign structures in the Town of Ulysses;
2. to create a more attractive economic and business climate and to enhance and protect the physical appearance of the community;
3. to reduce sign or advertising distractions and obstructions that may contribute to traffic accidents, reduce hazards that may be caused by signs overhanging or projecting over public rights-of-way, and provide more visual open space; and
4. to promote attractive signs, which clearly present the visual message in a manner that is compatible with the sign's surroundings. The appearance, character and quality of a community are affected by the location, size, construction and graphic design of its signs. Therefore, such signs should convey their messages clearly and simply to enhance their surroundings.

B. General.

1. No sign or other outdoor devices for the purpose of advertising of any kind may be erected or established in the Town of Ulysses except in conformance with the standards in this section.

2. All signs with a surface area greater than 24 square feet require a building permit and must comply with applicable regulations of this section. Sign alteration and maintenance activities such as painting, cleaning, or other normal maintenance and repair do not require a building permit, provided that no change is made to any structural or electronic component of the sign.
3. All new, reconstructed, altered, or relocated signs must comply with the standards of this section.
4. Temporary signs are allowed for a maximum of 30 days per occurrence, up to a maximum of three display periods per calendar year.
5. No permanent or temporary sign may be erected or placed at or near the intersection of any streets in such a manner as to cause a traffic hazard at the intersection; or at any location where, by reason of the position shape or color of the sign it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device or which makes use of the words "Stop," "Look," "Drive-in," "Left" or any other words, phrases, symbols, or characters in such a manner as to interfere with, mislead, or confuse pedestrians, cyclists, or motorists. The regulations of the New York State Department of Transportation must be followed with respect to the placement of a permanent or temporary sign within the right of way of a state highway.
6. Signs projecting into a public right-of-way require approval from the Town Highway Superintendent and/or County and State Highway Departments, and must have a clearance of not less than 8 feet above the sidewalk or surrounding ground and not less than 15 feet above any public driveway or street.
7. No sign, other than signs placed by agencies of government with appropriate jurisdiction, or a sign whose placement is authorized by such agencies, may be erected or placed on public property.
8. The provisions of this section do not apply to safety signs, street signs, historical markers or highway directional signs erected by municipal or public agencies.
9. All temporary signs must be non-illuminated. Allowed permanent signs may be non-illuminated, or illuminated by internal light fixtures or external indirect illumination, unless otherwise specified.
10. No sign shall be placed on the roof of any structure or building.
11. Off-premise signs are prohibited on the Cayuga Lake Scenic Byway, New York Route 89.
12. Signs may not contain mirrors.
13. Signs may not contain day-glow or fluorescent paint.

#### C. Sign illumination.

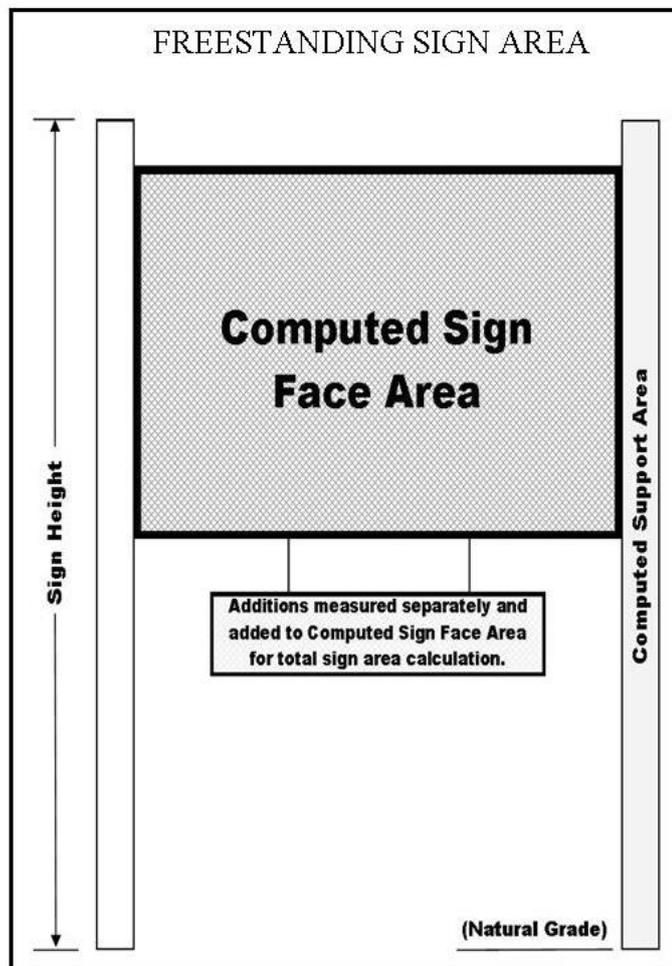
1. Sign lighting fixtures must be selected and designed with International Dark-Sky Association features to focus lighting downward.

2. In this section the term "illuminated sign" applies to both signs that are illuminated by external and internal illumination.
3. No light shall be cast upward beyond a horizontal plane level with the light source, or onto any adjoining property.
4. An illuminated sign or lighting device shall not be placed or located as to permit the beams and illumination to be directed or beamed upon a public street, highway, sidewalk or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or nuisance.
5. Any illuminated sign or sign-lighting device shall employ only lights emitting a light of constant intensity, and no sign shall be illuminated by or contain flashing, intermittent, rotating or moving light or lights.
6. Signs must have photocells that automatically dim in dark conditions in direct correlation to natural ambient light conditions. At no time shall the sign lights be greater than 0.3 footcandle above ambient light conditions.
7. External Illumination
  - a. An externally illuminated sign is characterized by the use of artificial light reflecting off its surface.
  - b. External light sources intended to illuminate the sign face must be fully shielded, direct light only in a downward manner, and placed close to, and directed upon, the sign face.
  - c. Externally illuminated signs must be illuminated only with steady, stationary, fully shielded light sources directed solely onto the sign without causing glare.
8. Internal Illumination
  - a. An internally illuminated sign is characterized by the use of artificial light projecting through its surface.
  - b. Internal illumination is permitted only as white or off-white graphics on an opaque dark colored background or as white or off-white halo lighting,
  - c. Internal illumination is limited to letters, numbers, symbols, and accents. No more than 50% of the total sign area may be internally illuminated, measured by the smallest rectangles that can fully enclose the internally illuminated elements. The remaining area of the sign face must remain opaque.
9. Direct Illumination
  - a. A directly illuminated sign is characterized by the use of exposed lamps, such as neon tubes or incandescent bulbs that have no shielding and are visible to the eye. Direct illumination of signs is not permitted in the Town of Ulysses.
10. Electronic Message Centers (EMC)

- a. An electrically-activated display that utilizes computer-generated messages or other electronic means of changing to present variable messages and/or graphic presentations. These signs include displays using incandescent lamps, LEDs, LCDs or a flipper matrix. Electronic Message Centers (EMCs) are not permitted in the Town of Ulysses.

**D. Sign Measurement**

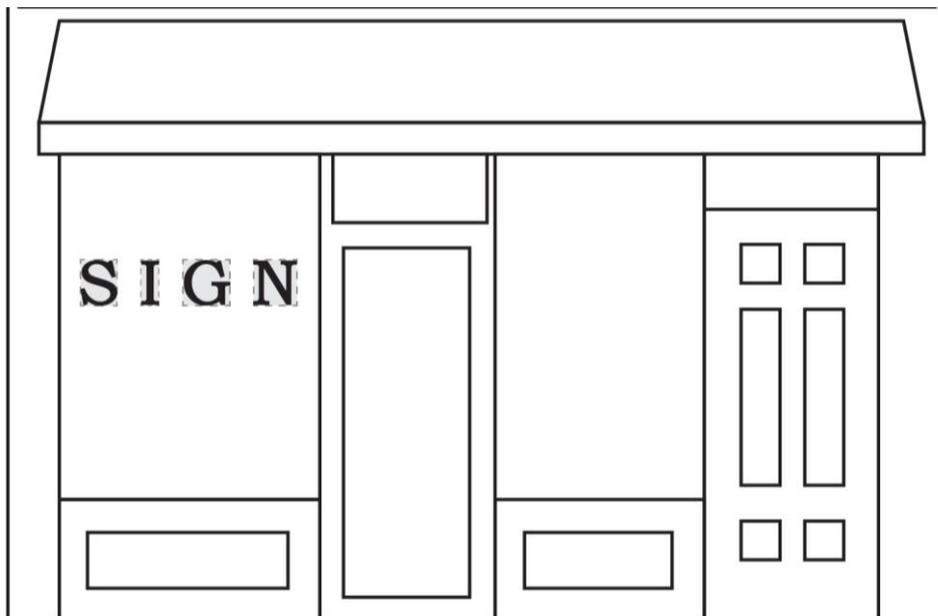
- 1. Sign Area. Sign area is measured as the total area of a sign, as follows:
  - a. For freestanding signs, the entire area of the framework or background of the sign is calculated as sign area, including any material or color forming the sign face or background used to differentiate the sign from the structure against which it is placed.



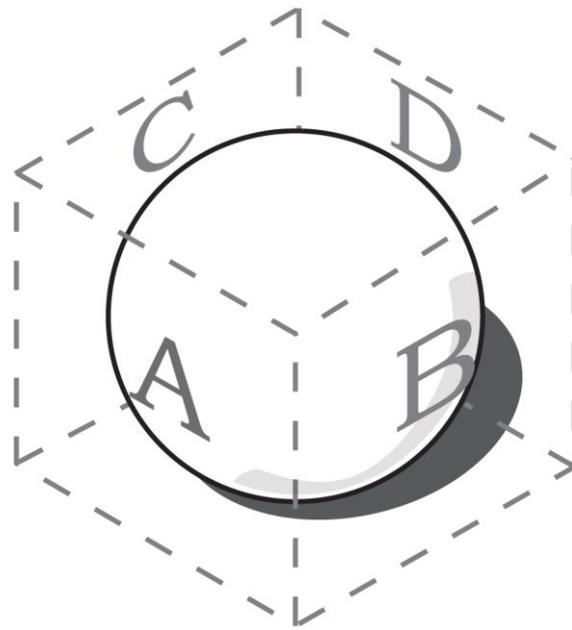
- b. For signs on a building façade consisting of freestanding letters or features, the sign area is calculated as the total area of each rectangle that encompasses each individual letter or feature. Sign area does not include any supporting framework or bracing, unless such framework or bracing is part of the message or sign face.



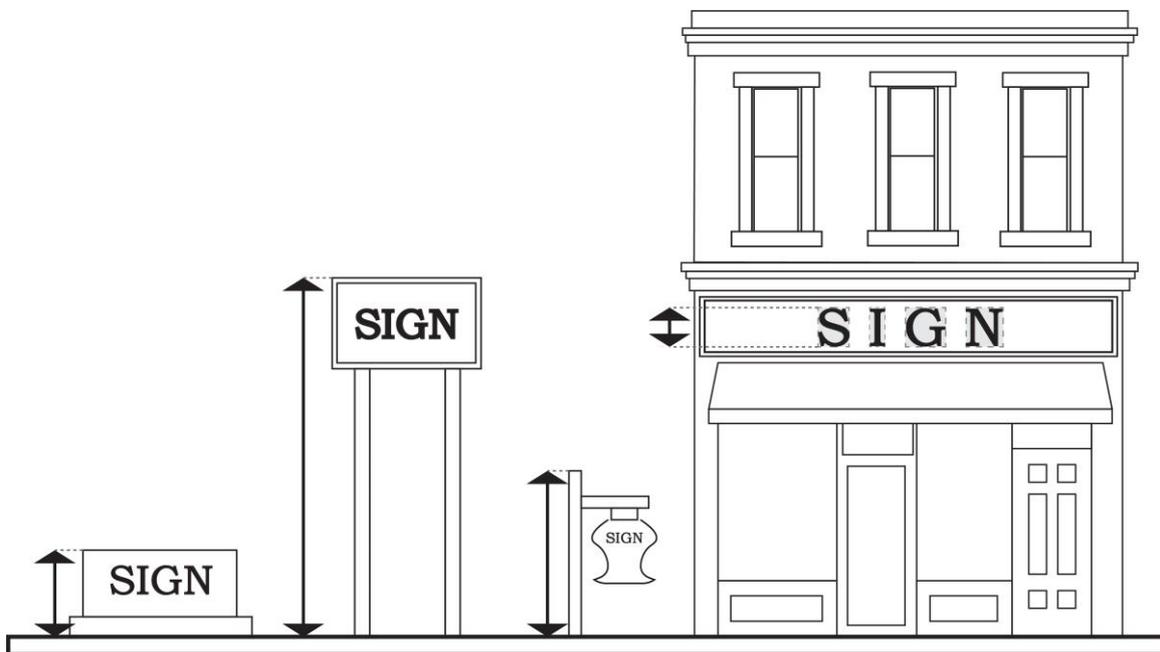
- c. Window signs printed on a transparent film and affixed to the interior or exterior of a windowpane are calculated as individual letters or features, provided that the portion of the film around the individual letters or features is fully transparent.



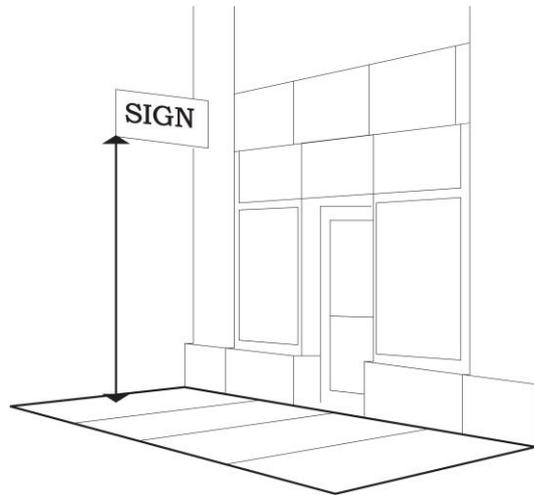
- d. The sign area of a three-dimensional, free-form or sculptural (non-planar) sign is calculated as 50% of the sum of the area of the four vertical sides of the smallest cube that will encompass the sign.



- e. If a sign has two or more faces, the area of all faces is included in determining the area of the sign, unless the two sign faces are placed back to back and are no more than two feet apart. In such case, the sign area is calculated as the area of one face. If the two faces are unequal in area, the area of the larger face is used to calculate sign area.
- 2. Sign Height. Sign height is measured as the vertical distance from the base of a sign or sign structure, to the highest point of the sign or sign structure. Building mounted sign height is measured from the bottom of the sign to the top of the sign. No portion of a building mounted sign may protrude above the building the sign is mounted to.



3. Vertical Clearance. For signs attached to a structure, vertical clearance is measured as the vertical distance from the sidewalk or nearest ground level to the lowest point of the sign.



E. Off-premise signs.

1. All off-premise signs are limited to 12 square feet per face.
2. No off-premises/advertising signs may exceed 6 feet in height, including support, as measured from the ground below the sign.
3. Only two sign faces shall be permitted on any one structure or support.
4. No illumination is permitted, either located on or directed toward the off-premises sign.
5. No off-premise sign may be located nearer than 300 feet to another off-premises sign.
6. All off-premise sign applications are subject to Site Plan Review, § 212-19.

F. Signs in A/R, R, LS, CD, RM, MD, and MHP Districts. In an A/R-Agricultural/Rural Zone, R—Residential Zone, LS—Lakeshore District, CD—Conservation District, RM—Multiple-Residence District, MD—Marina District, PR—Park/Recreation, or MHP—Manufactured Home Park the following signs are permitted:

1. Any sign required by law;
2. Official signs required by a governmental agency or utility, provided such sign does not exceed 24 square feet in area;
3. No more than two signs advertising the sale of locally produced farm products at a roadside farm stand, each not to exceed 12 square feet in area;
4. For all other uses, one freestanding sign and one sign on a building facade, each not to exceed nine square feet in area. Freestanding signs must not exceed a height of 6 (six) feet;

5. On-premise temporary signs provided such sign area does not exceed a total 9 (nine) square feet in area. Freestanding signs must not exceed a height of 6 (six) feet.

G. Signs in the B1 District and OTMU Zone. In B1—Business and OTMU- Office Technology Mixed Use, the following signs are permitted:

1. Any sign required by law;
2. Official signs required by a governmental agency or utility, provided such sign does not exceed 24 square feet in area;
3. Signs used to advertise or call attention to a place, business, person, event, product or service offered on the premises, either freestanding or attached to the facade of a building.
4. For retail businesses not in a shopping center, no more than two signs, not to exceed 24 square feet each if freestanding. If more than one sign is attached to the building facade, the cumulative square footage of all signs shall not exceed 48 square feet.
5. For retail businesses in a shopping center, no more than one sign, not to exceed 40 square feet if attached to a building facade.
6. For a sign that identifies a shopping center or plaza, and its tenants, no more than one two-sided sign, not to exceed 120 square feet on a side, not more than 15 feet high located at the entrance to the shopping center.
7. For gasoline stations, no more than three signs, freestanding or affixed to the building, one of which shall not exceed 24 square feet in area, including all areas necessary to display gasoline and other fuel prices, and two of which shall not exceed 10 square feet in area each. Signs required by state and federal law are exempt.
8. For printing, welding, plumbing, and similar enterprises, automobile, appliance and machinery sales and service, hotels, and commercial indoor recreation, no more than one freestanding sign not to exceed 24 square feet in area. In addition, no more than one sign on a building facade not to exceed 64 square feet shall be permitted.
9. One sign on the property where a home occupation, professional office, family child care business, or bed-and-breakfast establishment is located, provided that such sign does not exceed nine square feet in area.
10. For all other uses, no more than one freestanding sign not to exceed 24 square feet and no more than one sign on a building facade not to exceed 24 square feet .

H. Signs in the HC District. In the HC—Hamlet Center Zone the following signs are permitted:

1. Any sign required by law;
2. Official signs required by a governmental agency or utility, provided such sign does not exceed 24 square feet in area;

3. A maximum of one monument sign, limited to a sign area of 10 (ten) square feet and a height of 4 (four) feet is permitted per site per right-of-way frontage. A monument sign may be erected only on a site where the building is set back a minimum of 15 feet from the lot line.
4. A maximum of one under-awning sign of 4 (four) square feet is permitted per establishment with a ground-floor main entrance. An under-awning sign must be securely fixed to the underside of the awning with metal attachments, may not project beyond the awning, and may not be illuminated.
5. A maximum of one porch sign is permitted per establishment per right-of-way frontage, and is limited to 8 (eight) square feet in sign area.
6. A maximum of one wall sign is permitted per establishment per right-of-way frontage, and is limited to 80% of the facade width and projection from wall is limited to 2 (two) feet.
  - a. No wall sign may extend above the window sills of the second story, unless the establishment extends to the second story or above. No portion of a wall sign may extend above the roofline or parapet wall, or, in the case of a wall sign attached to an appurtenance, the highest point of the appurtenance.
7. Window signs that cover less than 10% of the window area.

#### I. Public Safety

1. No direct or reflected light from the primary light source of a sign may create hazards for pedestrians, cyclists, or operators of motor vehicles.
2. No sign may be installed in a way that obstructs free and clear vision, or free use, of any public right-of-way, intersection, ingress or egress point, transit stop, parking space, drive aisle, driveway, building entrance, standpipe, or accessibility ramp.
3. Colored light must not be used at a location or in a manner so as to be confused with or construed as traffic control devices.
4. Blinking, flashing, fluttering, strobe-light effects, and streaming video are prohibited.

#### J. Construction

1. All signs must be erected in compliance with building, electrical, and fire codes, and with the following requirements as applicable:
  - a. Supports and braces must be designed as an integral part of the overall sign structure and hidden from public view to the extent technically practicable.
  - b. All signs attached to a building must be installed and maintained so that wall penetrations are watertight and do not exceed allowable stresses of supporting materials.
  - c. When a building-mounted sign is removed, the wall must be repaired and restored to its original condition prior to sign installation.

- d. All signs and their supporting structures must be enclosed so as to prevent inhabitation by birds, rodents, insects, and other wildlife.
- e. All signs must be designed and constructed to withstand wind loads, dead loads, and snow loads as required by the New York State Fire Prevention and Building Code.
- f. Materials for signs must be durable and capable of withstanding weathering over the life of the sign with reasonable maintenance. Glass forming any part of a sign, with the exception of exposed lamps, must be safety glass.
- g. Signs constructed of fabric or fabric-like material must be held taut within frames.
- h. Audio components are prohibited as part of any sign.
- i. Conduits and other electrical components must be designed as an integral part of the overall sign structure and hidden from view to the extent technically practicable. Visible transformers are prohibited.
- j. All electrical fixtures, devices, circuits, conduits, raceways, or any apparatus used to illuminate any sign must be installed and maintained in compliance with the National Electric Code (NEC). A Nationally Recognized Testing Laboratory (NRTL) listing label number must be provided for any sign with electrical components.

#### K. Maintenance

- 1. Signs and sign structures, together with their supports, braces, guy wires, anchors, and electrical components, must be maintained in a proper state of repair. Any damage to or deterioration of a sign must be repaired immediately or within 30 days of receipt of notice from the Town of Ulysses Code Enforcement Officer.
- 2. When an existing sign is removed, replaced, or repaired, all brackets, poles, wiring, and other supporting hardware that are no longer required must be removed, and any surfaces to which the sign may have been attached must be repaired or painted, immediately or within 30 days of receipt of notice from the Town of Ulysses Code Enforcement Officer.
- 3. Where a sign is totally or partially illegible, where sign copy has been removed, or when an establishment to which the sign pertains has been discontinued for three or more months, the sign must be repaired, reused, or removed immediately or within 30 days of receipt of notice from the Town of Ulysses Code Enforcement Officer. If the property owner fails to repair, reuse, or remove the sign within the timeframe established by the Town of Ulysses Code Enforcement Officer, the sign may be removed by the Town at the property owner's expense.
- 4. If a sign is in an unsafe or non-secure condition, the sign must be repaired or removed immediately or within three days of receipt of notice from the Town of Ulysses Code Enforcement Officer. The Code Enforcement Officer may remove any sign that is an immediate peril to persons or property summarily, without notice, and at the property owner's expense.

#### L. Prohibited Signs

1. The below listed signs, as well as any sign type not expressly allowed by this Law, are prohibited:
  - a. Abandoned or illegally erected signs.
  - b. Mechanically activated signs, other than barber poles and clocks.
  - c. Neon and tubular gas signs.
  - d. Light pole banners.
  - e. Freestanding signs or devices motivated by wind, thermal changes, or other environmental input, such as flags, spinners, pennants, pinwheels, balloon signs, air-activated graphics, or other devices or displays that respond to naturally or artificially induced external motivation, except for flags erected in conformance with Section M. Exempt Signs.
  - f. Vehicle Signs, including signs on motor vehicles that are inoperable, do not display a current vehicle inspection sticker or license plate, are not principally used as a mode of transportation for business purposes, and/or are conspicuously parked or located on a lot for more than 24 hours to advertise a product or service, or to direct the public to a business or activity located on or off the premises.
  - g. Signs that are burned, cut, painted, pasted, or otherwise marked on or affixed to a tree, standpipe, fire escape, utility pole, trash receptacle, bench, or any other unapproved structure or surface.
  - h. Signs that simulate in color, size, or design, any traffic control sign or signal, or that make use of words, symbols, or characters in a manner that may interfere with, mislead, or confuse pedestrian, cyclist, or vehicular traffic.
  - i. Internal illumination is limited to letters, numbers, symbols, and accents. No more than 50% of the total sign area may be internally illuminated, measured by the smallest rectangles that can fully enclose the internally illuminated elements. The remaining area of the sign face must remain opaque.
  - j. Signs exceeding allowed height or area for the zone where the sign is located.
  - k. Example images for Prohibited Signs:



From left to right, top row: Blade Sign; Neon/Tubular Gas Sign; bottom row: Sign with 100% of Area Internally Lit, Freestanding Sign exceeding allowed height,

#### M. Exempt Signs

1. Historical markers, tablets and statues, memorial signs and plaques; names of buildings and dates of erection when cut into any masonry surface or when constructed of bronze, stainless steel or similar material; and emblems installed by governmental agencies, religious or nonprofit organizations, not exceeding six square feet.
2. Flags and insignia of any government, except when displayed in connection with commercial promotion.
3. On-premises directional signs for the convenience of the general public, such as identifying parking areas and fire zones, when not visible from a right-of-way.
4. Nonilluminated warning, private drive, posted or no trespassing signs, not exceeding two square feet.
5. Number and nameplates identifying residences or businesses mounted on a house, building, apartment, or mailbox, not exceeding one square foot in area.
6. Lawn signs identifying residences, not exceeding one square foot or two square feet if double-faced. Such signs are to be nonilluminated except by a light which is an integral part of a lamppost if used as a support.

**§ 212-123 Standards for outdoor lighting.**

- A. Appropriately regulated and properly installed outdoor lighting will contribute to the safety and welfare of the residents of the Town. Principal among these concerns is:
1. The degradation of the nighttime visual environment by production of unsightly and dangerous glare;
  2. Lighting practices that produce excessive glare and brightness that interferes with the health and safety of the Town of Ulysses' citizens and visitors;
  3. Unnecessary waste of energy and resources in the production of too much light or wasted light;
  4. Interference in the use or enjoyment of property that is not intended to be illuminated at night by light trespass, and the loss of the scenic view of the night sky due to increased sky-glow; and
  5. The impact of inappropriately designed outdoor lighting that disrupts nocturnal animal behavior, particularly migrating birds and other species.
- B. This section is intended to assist property owners in their efforts to provide a safe and secure environment, control energy costs and keep unnecessary direct light from shining onto abutting properties or streets. It is also intended to reduce the problems of glare, minimize light trespass, and help reduce the energy and financial costs of outdoor lighting by establishing regulations which limit the area that certain kinds of outdoor lighting fixtures can illuminate and by limiting the total allowable illumination of lots located in the Town of Ulysses.
- C. Any lights used to illuminate the exterior of a single-family residence, two-family residence, multiple-family residence, dormitory or other group residence, or manufactured home park, or a commercial, industrial, or other nonresidential space or parcel, including buildings, signs and other structures, parking and pedestrian areas and landscaping, shall be designed and installed such that:
1. Any luminaire with a lamp or lamps rated at a total of more than 1,800 lumens, and any flood or spot luminaire with a lamp or lamps rated at a total of more than 900 lumens, shall not emit any direct light above a horizontal plane through the lowest direct light-emitting part of the luminaire;
  2. Any luminaire with a lamp or lamps rated at a total of more than 1,800 lumens, and any flood or spot luminaire with a lamp or lamps rated at a total of more than 900 lumens, shall be mounted at a height equal to or less than the value  $3 + (D/3)$ , where D is the distance in feet to the nearest property boundary;
  3. The maximum height of the luminaire may not exceed 25 feet.
- D. Exceptions to the above shall be:

1. Any luminaire with a lamp or lamps rated at a total of 1,800 lumens or less, and any flood or spot luminaire with a lamp or lamps rated at 900 lumens or less, may be used without restriction as to light distribution or mounting height, except that if any spot or flood luminaire rated 900 lumens or less is aimed, directed or focused such as to cause direct light from the luminaire to be directed toward residential buildings on adjacent or nearby land, or to create glare perceptible to persons operating motor vehicles on public ways, the luminaire shall be redirected or its light output controlled as necessary to eliminate such conditions;
2. Luminaires used for public roadway illumination may be installed at a maximum height of 25 feet and may be positioned at that height up to the edge of any bordering property.

#### E. Light Trespass Standard

1. Site lighting fixtures shall be selected and designed with International Dark-Sky Association features to focus lighting downward without excessive illumination of the upper residential stories of buildings or of the night sky.
2. All light fixtures, including security lighting, shall be located, aimed and shielded so that the direct illumination from the fixture shall be confined to the property boundaries of the source.
3. Any privately or publicly owned outdoor light fixture with a lamp of initial output over 10,000 lumens located within 50 feet of any residential (including Residence, multiple-family) property or public right-of-way shall utilize an internal or external shield, with the light fixture and shield oriented to minimize light trespass over the adjacent property or right-of way line. If an external shield is used, its surface must be painted black to minimize reflections.

#### F. Prohibited Outdoor Lighting. The following types of outdoor lighting are prohibited:

1. Outdoor floodlighting by flood light projection above the horizontal plane.
2. Search lights, flood lights, laser source lights, or any similar high intensity light, except in emergencies by police, fire, or medical personnel or at their direction; or for meteorological data gathering purposes.
3. Any lighting device located on the exterior of a building or on the inside of a window which is visible beyond the boundaries of the lot or parcel with intermittent fading, flashing, blinking, rotating or strobe light illumination.

#### G. Exceptions.

1. Airport Lighting
  - a. Required navigational lighting systems at airports for the safe and efficient movement of aircraft during flight, take off, landing and taxiing is exempt from the provisions of this Section. Lighting used for illumination of aircraft loading, unloading, and servicing areas is exempt from the lumens maximum although it must conform to all other requirements of this Section. All other outdoor lighting at airport facilities shall comply with the provisions of this Section.
2. Emergency Lighting by Emergency Services

- a. Searchlights, floodlights, laser source lights, strobe or flashing lights, or any similar high intensity lights are permitted when used in emergencies by police, fire, medical, or utility personnel or at their direction.
3. Construction and Renovation of Municipal Facilities
  - a. All outdoor lighting used for construction or major renovation of municipal buildings, structures and facilities is exempt from the provisions of this Section.

**§ 212-124 Standards for vegetated buffer areas.**

**A. Visual screening buffer.**

1. Wherever a vegetated screening buffer area is required by this chapter, said buffer area shall be planted and maintained with vegetation that results in a visual barrier that is at least six feet in height from ground level within three years to five years. All vegetated buffers shall be maintained.
2. Vegetation within any required buffer area may consist of maintained lawn, shrubs or trees. Plants selected for use in any required buffer areas should be species that are hardy to the Finger Lakes region and that are noninvasive. Shrubs when planted may be two feet to four feet in height and must achieve six feet in height within three years to five years. Trees shall be six feet in height when planted.
3. At the discretion of the Planning Board, a fence may be substituted for vegetation to achieve the required six-foot high visual screen; provided, however, that:
  - a. The width of the buffer area is not reduced below the minimum required by this chapter;
  - b. The remaining portions of the buffer area shall be planted and maintained with vegetation.
4. In the case of new construction within a B1—Business District or OTMU—Office Technology Mixed Use Zone, such a visual barrier shall be planted or built prior to the issuance of any certificate of zoning compliance by the Zoning Officer.

**B. Stream protection setback.**

1. Findings.
2. Healthy stream sides that are vegetated with native woody trees and shrub plants provide flood reduction, erosion control, groundwater filtration, surface water quality improvement, and wildlife habitat. Therefore, commercial parcels and properties and all properties in environmental overlay districts that are being considered for new development or building upgrades and that encompass or adjoin a stream or creek are required to maintain and protect the existing vegetated streamside habitat (i.e., setbacks) during and after construction, or restore the vegetation through plantings in those habitats where such vegetation has been removed.
3. Applicability.

- a. A 100 foot stream setback is required adjacent to Trumansburg and Taughannock Creeks. Vegetation in stream protection setbacks will consist of native tree and shrub species, tolerant of the conditions of flooding and soil saturation which are typical of such habitats, and generally designated as Obligative Wetland, Facultative, Facultative Wetland, or Facultative Upland Species in the U.S. Army Corps of Engineers' National Wetland Plant List (NWPL), (2016, as revised). This design includes approximately 75 feet of undisturbed mature forest directly adjacent to the bank, a middle zone 15 feet wide of actively growing forest with periodic thinning, and a third zone approximately 15 feet wide planted in warm-season grasses. Larger setbacks with wider zones are encouraged to provide greater stream protection.
- b. The Town of Ulysses requires the delineation of any applicable stream setback areas on subdivision plats, site plan applications, special permits, and variance applications, building permit applications, excavation or fill permit applications, or any Land Development Activity as defined by the Local Law for Stormwater Management and Erosion & Sediment Control.
- c. Classification of impermanent and permanent streams will be determined by U.S. Geological Survey topographical maps or determination by a New York State Licensed Geologist or Tompkins County Soil & Water Conservation District. Impermanent, also known as "seasonal," streams require a minimum of 25 feet of setback on each side of the stream, extending from the stream bank toward the uplands. Permanent streams are required to have a minimum 50 feet of buffer on each side of the stream, extending from the stream bank toward the upland.

#### 4. Prohibited Activities

The following activities are explicitly prohibited in the stream setback area.

- a. Storage or placement of any hazardous materials, before the following setback allotment, is prohibited. All sewage systems, both drain fields and raised systems and replacement of existing wells, must adhere to a 100-foot buffer from Trumansburg and Taughannock Creeks. Any property that cannot accommodate such a buffer requires a variance.
- b. Purposeful introduction of invasive vegetative species that reduce the persistence of local vegetation is prohibited. For a listing of invasive vegetation to avoid, refer to the Tompkins County Environmental Management Council's List of Invasive Plants of Tompkins County, New York (2018, as revised).
- c. Waste storage and disposal including but not limited to disposal and dumping of snow and ice, recyclable materials, manure, hazardous or noxious chemicals, used automobiles or appliance structures, and other abandoned materials.
- d. Public water supply wells must be greater than 200 feet from top of stream bank; private wells are not allowed in the stream setback area. Any property whose water supply cannot accommodate such a buffer requires a variance.
- e. Soil disturbance by grading, stripping, mining or removal of soil, sand and gravel, and quarrying of raw materials.
- f. Filling or dumping.

- g. Dredging, deepening, widening, straightening or any such alteration of the beds and banks of natural streams except where the New York State Department of Environmental Conservation has issued a permit expressly allowing such activities on the parcel.
- h. Storage or application of herbicide, pesticides, fertilizers, or other chemicals.
- i. Parking, storage, or operation of motorized vehicles.
- 5. Variance Procedures
  - a. Variances from the above buffer and setback requirements may be granted only in accordance with the following provisions. Except as provided below, the Town of Ulysses Board of Zoning Appeals may not grant a variance from this ordinance without conducting a public hearing on the application for variance.
  - b. A variance may be granted only upon a finding that a property's shape, topography or other physical conditions prevents land development unless a variance is granted, or that strict adherence to the minimal buffer and setback requirements would create extreme hardship.
  - c. A variance request must include the following information in written documentation:
    - i. A to-scale site map with stream, wetlands, slopes and other natural features locations as determined by field survey;
    - ii. Description of the topography, slopes and soil type, shape of property, natural vegetation, and other distinguishing or prohibitive physical characteristics of the property;
    - iii. The locations and footprint of all existing structures and other impervious cover on a site map, with footprint for proposed structures. This map shall include the limits of all existing and proposed excavation, fill or other Land Development Activity, both inside and outside the stream setback;
    - iv. The exact area of the affected buffer and setback, and nature of proposed changes to be made to these areas shall be accurately and clearly indicated. A calculation of the total area and length of the proposed intrusion and any pre-existing intrusions shall be included;
    - v. A stormwater management plan given the proposed changes and intrusions;
    - vi. Documentation of supposed hardship should the buffer be maintained;
    - vii. Proposed mitigation for the intrusion.
- 6. The following matters will be considered in determining whether to issue a variance:
  - a. The shape and physical characteristics of the property;
  - b. The locations of all streams on and/or adjacent to the property;
  - c. The location and extent of the proposed buffer or setback intrusion;
  - d. Whether alternative designs are possible which require less intrusion;
  - e. The water quality impacts of the proposed variance.

**§ 212-128 Standards for accessory dwelling units**

- A. Purpose and intent. It is the specific purpose and intent of this section to allow accessory dwelling units in the A/R, R, HN, LS, and CD Districts to provide the opportunity for the development of small rental housing units designed, in particular, to provide market-rate affordable housing in the Town of Ulysses. Furthermore, it is the purpose and intent of this section to allow for efficient use of the Town's existing stock of dwellings in economic support of resident families and to protect and preserve property values while preserving the character and quality of life in the Town of Ulysses neighborhoods. To help achieve these and other goals consistent with the Town of Ulysses Comprehensive Plan, specific requirements are hereby set forth for accessory dwelling units and their related uses. These requirements are in addition to any other requirements for accessory dwelling units set forth elsewhere in this chapter.
- B. Adequate water and sewerage disposal arrangements shall be provided for the accessory dwelling unit. These arrangements may include connections to such facilities of the existing principal residence or may be separate.
- C. Any accessory dwelling unit placed on a lot shall be considered an accessory structure building and shall be incidental and subordinate to the principal residence on the lot.
- D. Placement of any accessory dwelling unit shall be in accordance with the lot area and yard requirements of the zoning district within which it is located.
- E. Floor area. The floor area of the accessory dwelling unit may not exceed ~~1,000 square feet or 80% of the floor area of the principal dwelling unit, or if the principal dwelling unit is less than 1,250 1,500 square feet of floor area, the accessory dwelling unit floor area may be up to 1,000 square feet, whichever is less.~~
- F. No other accessory dwelling units may be located on the lot.
- G. If the street-facing facade of the building occupied by a detached accessory dwelling unit is visible from the street line, at least 20% of the street-facing facade must have window or door openings.

**§ 212-130: Standards for flag lots.**

- A. Flag lots as defined in Article IV, § 212-22, shall meet the minimum lot area excluding the pole, lot width, and lot depth requirements of the zoning district within which it is located. The pole of the flag lot shall have a minimum width of 50 feet at every point and the pole shall be no less than 100 feet in length.
- B. In areas where agriculture is the predominant land use, in particular the A1, and R zones, flag lots should be located on the least productive agricultural lands, and be configured so as to minimize interference with the agricultural use of the lands.
- C. Whenever practicable, adjoining flag lots should be platted in a manner that encourages shared driveway access points along public roads and highways.
- D. No parcel may be subdivided into more than 2 flag lots

**§ 212-131: Standards for public garages, gasoline sales stations and auto body and boat repair shops.**

- A. No part of any public garage shall be used for residence or sleeping.
- B. No part of any building used as a public garage or gasoline sales station and no filling pump, lift or other service appliance shall be erected within 200 feet of any R—Residential, RM—Multiple-Residence, or MHP—Manufactured Home District.
- C. No gasoline or oil pump, no oiling or greasing mechanism and no other service appliance installed in connection with any gasoline sales station or public garage shall be within 50 feet of any street right-of-way.
- D. No garage for painting or repairing automobile bodies involving hammering or other work causing loud or unusual noise, fumes or odors shall be located within 300 feet of any R—Residential, RM—Multiple-Residence, or MHP—Manufactured Home District.
- E. The general elevation of the vehicle-servicing area shall not be raised higher than two feet from the surrounding properties.
- F. Gasoline sales stations are limited to a maximum of four individual filling pumps in the HC – Hamlet Center Zone. A multiple pump stanchion is counted according to the number of pumps; for example, a double stanchion is counted as two pumps.
- H. For unstaffed self-wash facilities, a security system must be installed and maintained, including a functional security camera to monitor all areas of the car wash.
- I. Vehicle rental and sales must be located within a fully enclosed building.
- J. Any repair and service operations must be performed within a fully enclosed building. Bay doors may be open during hours of operation.
- K. No partially dismantled, wrecked, or unregistered vehicle or boat may be stored outdoors on the premises.

**§ 212-133 Standards for multiple-family residences (see Residence, Multiple-family)**

- A. All access roadways and vehicle and equipment parking areas shall be paved, surfaced or covered with gravel so as to be well-drained and provide an all-weather surface.
- B. All vehicular drives shall be designed and constructed with an all-weather surface material, a minimum of 20 feet wide and properly drained. If the length of the drive is more than 100 feet or serves more than four residences, then the Planning Board may, in its discretion, set further requirements.
- ~~B-C.~~ Any proposed streets or roads within the proposed project that will be deeded to the Town shall be designed and built to Town of Ulysses highway specifications.

- ~~C~~.D. The developer shall provide adequate sewer and water facilities. The preferred method of sewage disposal shall be by public or community facilities. However, if the applicant can obtain the appropriate on-site disposal system permit(s), then this method of treatment will be permitted.
- ~~D~~.E. To ensure adequate provision for light, air, access and privacy in the arrangement of the buildings to each other, no building shall be closer than 30 feet to another building. Each dwelling unit shall have a minimum of one exterior exposure.
- ~~E~~.F. A minimum of 10% of the gross area of the development or 1,000 square feet per dwelling unit, whichever is greater, shall be provided for outdoor recreation space in addition to setback requirements. The recreation space shall be suitable for outdoor recreational activity and shall be easily accessible to all units.
- ~~F~~.G. No parking facilities or driveways, except driveways for the purpose of ingress to or egress from the premises, shall be allowed within any of the front, side or rear yard setback areas.
- ~~G~~.H. No parking facilities or driveways shall be located within 12 feet horizontal distance of any dwelling unit.
- I. No buildings or other structures, or parking areas, shall be located within 100 feet horizontal distance from the stream edge of any watercourse carrying water six months or more throughout the year, or any wetland as defined by state or federal law. With the exception of stream crossings, no roadways shall be located within 50 feet horizontal distance from the stream edge of any watercourse carrying water six months or more throughout the year, or any wetland as defined by state or federal law.

**§ 212-136 Standards for sawmills.**

- A. All access roadways and vehicle and equipment parking areas shall be paved, surfaced or covered with gravel so as to be well-drained and provide an all-weather surface.
- B. No storage of logs, lumber, sawdust, bark, scrap wood or equipment of any kind shall be permitted within any yard setback area.
- C. No buildings, structures, log- or lumber-sorting or -storage yards, parking areas or equipment storage areas shall be located within 100 feet from a stream edge or any wetland as defined by state or federal law.
- D. A visual screen at least 40 feet in width and composed of evergreen trees shall be planted along any site boundary line that abuts one or more residential lots. All evergreen trees shall be at least six feet in height at time of planting and be spaced so as to form an opaque vegetative screen. The owner shall be responsible for maintaining this vegetation buffer.

**§ 212-139: Standards for ~~Agricultural~~ Agriculture-Related Commerce**

- A. No buildings, except residences associated with the farm operation, shall be within 50 feet of a side or rear property line, and no building shall be located within the front yard of the property.
- B. All outdoor lighting fixtures installed and utilized shall be subject to the provisions of Article XX, § 212-123.
- C. Parking facilities shall comply with the provisions of Article XX, § 212-121.
- D. No parking facilities or driveways, except driveways for the purpose of ingress to or egress from the premises, shall be allowed within any side or rear yard setback areas.
- E. No parking facilities or driveways, except driveways for the purpose of ingress to or egress from the premises, shall be allowed within 25 feet of any road or highway right-of-way.
- F. No part of any building used as an agricultural commerce enterprise where repairs to equipment and machinery are performed for hire, or where the fabrication of parts, equipment, or other products for sale occurs, or involves in any other way hammering or other work causing loud or unusual noise, fumes or odors, shall be located within 200 feet of any R— Residential, RM—Multiple-Residence, or MHP—Manufactured Home District.
- G. No gasoline or oil pump, no oiling or greasing mechanism and no other service appliance installed in connection with any agricultural equipment repair shall be within 75 feet of any road or highway right-of-way.
- H. No building or other structures, or parking areas, shall be located within 100 feet horizontal distance from the stream edge of any watercourse carrying water six months or more throughout the year, or any wetland as defined by state or federal law. With the exception of stream crossings, no roadways shall be located within 50 feet horizontal distance from the stream edge of any watercourse carrying water six months or more throughout the year, or any wetland as defined by state or federal law.

### **Section 15. Specific Zoning Ordinance Amendments – Article XX Design Standards**

The following Sections of Town of Ulysses Code, Chapter 212: Zoning, Article XX, Design Standards are added:

#### **§212-139.3: Animal Waste Storage Facility**

The Town of Ulysses recognizes that many farm operations produce animal waste that, because of the large size allowed by New York State Department of Agriculture and Markets, must be stored short or long term in an Animal Waste Storage Facility such as a lagoon or tank. Proper planning and construction of farm-related Animal Waste Storage Facilities ensures the continued protection of groundwater and surface water resources within the Town.

#### A. REGULATIONS FOR ANIMAL WASTE STORAGE FACILITY

1. Animal Waste Storage Facilities shall be allowed only on a viable farm operation as defined by NYS Department of Agriculture and Markets Law.
2. Animal Waste Storage Facilities shall obtain a building permit prior to being constructed and operated. Design plans shall be submitted with every building permit application for a farm-related Animal Waste Storage Facility. All plans for farm related Animal Waste Storage Facilities shall be designed by and stamped with the seal of a New York State licensed design professional.
3. Animal waste storage facilities shall be designed, constructed, and maintained in accordance with the USDA Natural Resources Conservation Service (NRCS). The Zoning Officer will submit the proposal to Tompkins County Soil & Water Conservation District or NRCS in order for the Planning Board to consider the potential impacts posed by such a facility upon surrounding land uses prior to taking final action.

#### B. SITE REQUIREMENTS

All Animal Waste Storage Facilities shall be installed, operated and maintained pursuant to the following conditions:

1. Animal Waste Storage Facilities shall be placed a minimum of 50 feet from a road right-of-way, but shall not be set closer to the right-of-way than the nearest permanent structure being served.
2. Animal Waste Storage Facilities shall be placed a minimum of 30 feet from a side or rear property line. Animal Waste Storage Facilities shall be placed a minimum of 100 feet from an existing occupied residential or non-agricultural building.
3. Unlined Animal Waste Storage Facilities shall be placed a minimum of 300 feet from any existing well, watercourse, or waterbody.
4. Lined Animal Waste Storage Facilities shall be placed a minimum of 100 feet from any existing well, watercourse, or waterbody.

#### C. PERMIT APPLICATION REQUIREMENTS

All applications for Animal Waste Storage Facilities shall comply with the following:

1. A completed permit application shall be submitted to the Code Enforcement Officer or Zoning Officer.
2. A site map shall be provided at the time of application which shows the location of the proposed Animal Waste Storage Facilities and distances to all buildings, property lines, water courses, water bodies, wetlands and existing wells.
3. A peer review meeting with the Town of Ulysses Agricultural Committee, or if the Agricultural Committee is not available, the Tompkins County Agriculture and Farmland Protection Board will be scheduled and held within 30 days of the time of application to provide guidance for the applicant with respect to sound agricultural practices.

**§212-139.4: Confined or Concentrated Animal Feeding Operation (CAFO)**

- A. Purpose. The Town of Ulysses recognizes that Confined Animal Feeding Operations pose a high risk to the communities in which they are located, particularly in relation to manure spills, improper disposal of deceased animals, and excessive application of pesticides.
- B. Required Filing. For any CAFO operating in the Town of Ulysses or for any CAFO subject to the regulations of the State of New York that is spreading manure in the Town of Ulysses, the owner and/or operator of such CAFO must file copies of State Pollutant Discharge Elimination System (SPDES) documentation, including Comprehensive Nutrient Management Plan, with the Town Clerk within 3 business days of submission to the New York State Department of Environmental Conservation. Changes in SPDES permit status must be reported to the Town Clerk within 3 business days of submission to the New York State Department of Environmental Conservation.

~~§212-139.5: Development Standards Outside of the Hamlet Center Zone~~

**Section 16. Specific Zoning Ordinance Amendments – Article XXI Land Subdivision Regulations**

The Town of Ulysses Code, Chapter 212: Zoning, Article XXI Land Subdivision Regulations, § 212-140 is renamed to Authority; Policy; Applicability; Legal Effects; Review procedures and is replaced in its entirety:

- A. Authority and Declaration of Policy.
  - 1) By the authority of Town Law § 276, 277, 278, and 279 and Chapter 10 of the Municipal Home Rule Law of the State of New York, the Planning Board of the Town of Ulysses is authorized and empowered to:
    - a) Approve plats showing lots, blocks, or sites, with or without roads or highways.
    - b) Approve the development of entirely or partially undeveloped plats already filed in the office of the Clerk of the County.
    - c) Conditionally approve Preliminary Plats.
    - d) Require an applicant to provide a clustered subdivision layout.
  - 2) The policy of the Planning Board is to consider land subdivisions as part of a plan for the orderly, efficient and economical development of the town and in a manner that is reasonable and in the best interests of the community. This policy is articulated to ensure that the highest standards of site, building and landscape design are met conscientiously, through the use of qualified technical and aesthetic judgment and principles of sustainability consistent with the Comprehensive Plan. The Planning Board will be guided in its consideration of an application for the subdivision of land by the following general requirements:

- a) **PHYSICAL CHARACTERISTICS.** Land must be buildable and free of hazard. The physical characteristics of the land to be subdivided shall be such that it can be used for natural resource conservation or building purposes without danger to health and safety or peril from fire, flood, or other menace. Proper provision must be made for stormwater management, water supply, sewage and other needed improvements and, consideration be given to the future development of adjoining lands. Particular attention shall be given to the arrangement, location and width of streets, their relation to the topography of the land, lot sizes and arrangement and the future development, and, natural and cultural resources of adjoining lands. All parcel developments shall meet Town, County, State, and Federal regulations and requirements.
- b) **NATURAL AND HISTORIC FEATURES.** Land is to be subdivided in a way that protects the natural, cultural and scenic resources of the Town for the benefit of all residents. To the extent practicable, all existing features of the landscape, such as trees of significant diameter-at-breast-height (DBH) caliber, vegetative communities, rock outcrops, important ecological communities, surface and groundwater resources, unusual glacial formations, flood courses, cultural and historic sites, viewsheds, and other such irreplaceable assets shall be preserved thereby preventing ecological damage and visual blight which occur when those features or vegetation are eliminated or substantially altered to serve development purposes only. Provision shall be made for maintaining undeveloped natural areas and corridors to mitigate any adverse environmental impacts of a proposed subdivision, and to sustain biodiversity in order to implement the Town's policies of protecting environmental and cultural resources pursuant to the Town Comprehensive Plan and other applicable local laws.
- c) **CONFORMITY.** Subdivision plans shall be properly related to and conform to the Town Comprehensive Plan. Proposed development shall be planned such that it is compatible with sound development patterns of adjacent and neighboring properties within the Town of Ulysses. Subdivided lots shall be of such character that they can be used safely for building purposes without danger to health or peril from fire, flood or other menace.
- d) **PARKS AND OPEN SPACE.** Park areas of suitable location, size and character for playground and other recreational or open space purposes shall be shown on the subdivision plat in proper cases and when required by the Planning Board. Provision shall be made for adequate permanent reservations of open space, pedestrian trails, viewing areas, and parks, and such areas shall be shown on the plat.
- e) **PROTECTION OF AGRICULTURAL INFRASTRUCTURE AND SIGNIFICANT AGRICULTURAL LANDS.** Consideration will be given to maintaining agricultural viability and protecting significant agricultural lands by minimizing adverse impacts on agricultural land remaining from the subdivision, prime and unique agricultural soils, adjoining or nearby agricultural land and operations, existing natural buffers, and agricultural infrastructure including but not limited to surface and subsurface agricultural drainage systems, farm equipment access points, and equipment lanes.

- 3) Failure to notify the Zoning Officer of any conveyance by subdivision shall be a violation of this law and will be enforced by both civil action and financial penalties.
- 4) Applicants for major subdivisions shall submit a plan for a cluster subdivision as provided for in Section 278 of New York State Town Law and 212-140 of this Article.
- 5) Standards. Subdivisions are subject to the following standards. Subdivision standards are mandatory rules subject to modification by the Planning Board.
  - a) In determining whether to modify a standard for a proposed project, the Planning Board may take into consideration the following:
    - i. The practicable difficulties of applying the standard to the particular project;
    - ii. The potential adverse impact on surrounding properties and the neighborhood of applying or not applying the standard to the proposed project; and
    - iii. Whether alternate means or measures attain the same goal as the standard.
  - b) Where an applicant objects to the application of a standard to his or her project and the Planning Board requires compliance, in its resolution of approval or disapproval the Planning Board must state its findings and the reasons for its decision with reference to the considerations set forth in the preceding paragraph.
- 6) Supersedence. It is the express intent of the Town Board that this Article shall supersede §§ 261-b, 274-a, 274-b, 276, 277, 278, 279 and any other provision of Article 16 of the Town Law inconsistent with the provisions herein, pursuant to § 10 of the Municipal Home Rule Law.
- 7) Fees. The amount of fees required under this chapter shall be established from time to time by resolution of the Town Board, except that the amount of professional review fees held in escrow for each particular application may be established by the reviewing agency. The administrative fees established by the Town Board shall approximate the actual cost to the Town of providing the related administrative services.
- 8) Subdivisions Straddling Municipal Boundaries. Whenever access to a subdivision can be had only across land in another municipality, the Planning Board may request assurance from the Ulysses Town Attorney and the Highway Superintendent of the adjoining municipality, that the access road is adequately improved or that a performance security has been duly executed and is sufficient security to ensure access has been constructed. In general, lot lines shall be laid out so as not to cross municipal boundary lines.
- 9) Resubdivision. Whenever any resubdivision of land in the Town of Ulysses is proposed, the subdividing owner or their authorized agent shall apply for and secure approval of such proposed subdivision before any contract for the sale of any part thereof is made and before any permit for the erection of a structure in such proposed subdivision shall be granted. Approval of a proposed subdivision shall be obtained in accordance with the procedure specified in this Article.

- 10) State Environmental Quality Review Act. The Planning Board shall comply with the provisions of the State Environmental Quality Review Act under Article Eight of the Environmental Conservation Law and its implementing regulations.
- 11) Route 96 Corridor Management Study. In its discretionary actions under this chapter with regard to land use adjacent to or affecting Route 96, the reviewing agency shall be guided by the goals, objectives, and recommendations set forth in the Route 96 Corridor Management Study, Volumes 1 through 4, a copy of which is available for review in the office of the Town Clerk.
- 12) Effective Date. For the purpose of this section, each lot shall be identified by the Tax Map of the Town of Ulysses dated [REDACTED], and single ownership shall be determined by deed filed as of [REDACTED]. It is the express intent of this chapter that no parcel as defined herein may be changed or reconfigured after [REDACTED] for the purposes of applying or avoiding the restrictions of this article. All lot area requirement calculations established in the Zoning Law of the Town of Ulysses shall be based on the lot as identified by the Tax Map of the Town of Ulysses dated [REDACTED]. This parcel shall be identified as the parent lot.

B. Applicability and legal effects.

1) Applicability of These Regulations.

- a. Any division of a lot into two (2) or more lots, whether new roads, public facilities, or municipal utility extensions are involved or not.
- b. Any other land transaction where these Land Subdivision Regulations or any other applicable law requires filing of a plat with the County Clerk. Note: a property owner shall file with the zoning officer a copy of an application to the Tompkins County Department of Assessment to consolidate lots for tax purposes.

2) Legal Effect: Land-Use Regulations

Whenever any subdivision of land is proposed to be made and before any site modifications are made and before any permit for the erection of a structure in such proposed subdivision is granted, the subdivider or a duly authorized agent must apply for in writing and receive approval of the proposed subdivision in accordance with these regulations.

3) Legal Effect: Filing of Plats with County Clerk

Before any plat or licensed survey map showing proposed subdivision of land in the Town of Ulysses is filed with the County Clerk, the plat or licensed survey map must be approved by the Zoning Officer or the Planning Board, as applicable, in accordance with the procedures of this law and Town Law, Section 276.

4) Plat Void If Revised After Approval

No changes, erasures, modifications, or revisions shall be made in any Subdivision Plat or licensed survey map showing subdivision of land after approval has been given by the Zoning Officer or Planning Board and endorsed in writing on the plat or licensed survey map, unless the plat or licensed survey map is first resubmitted to the Planning Board and the Board approves any modifications. In the event that any such Subdivision Plat or licensed survey map is recorded without complying with this requirement, it shall be considered null and void.

#### C. Types of Subdivisions and Procedures

These regulations recognize three types of subdivisions, which are subject to three different review and approval procedures: (NOTE: simple subdivision has been deleted)

1. Minor Subdivision: Review includes two required submissions by subdivider and may include a public hearing if considered desirable by the Planning Board.
2. Major Subdivision: Review includes three required submissions by subdivider and at least one (1) public hearing by the Planning Board.
3. Cluster Subdivision: Review includes three required submissions by subdivider and at least one (1) public hearing by the Planning Board.

#### D. Coordination with County Health Department

The provisions of the Tompkins County Sanitary Code are in addition to the provisions of these Land Subdivision Regulations.

#### E. Planning Board Use of Consultants and Services of County and Regional Planning Staff

The Planning Board may choose at any point in a subdivision review process to request consultants or refer to the county or regional planning staffs for review, comment, and advice on any aspect of the approval process, subdivision design, engineering specifications, or other pertinent matters. The cost shall be borne by the applicant. The Planning Board shall give the applicant written notice of the cost it incurred for consultants, and the applicant shall pay the cost within thirty (30) days of mailing of the notice.

#### F. Plat Review of Uncompleted Subdivisions

The Planning Board may, on direction of the Town Board, review, for purposes of revision, any plat within the Town boundaries already on file with the County Clerk if 20 percent or more of the lots within the plat are unimproved for reasons other than poor drainage. Legislative authority for such review is authorized under New York State Town Law § 276.

### **Section 17. Specific Zoning Ordinance Amendments – Article IV Terminology**

The Town of Ulysses Code, Chapter 212: Zoning, Article XXI Land Subdivision Regulations, § 212-141 Definitions is amended by deleting the following definitions:

## **SIMPLE SUBDIVISION**

### **Section 18. Specific Zoning Ordinance Amendments – Article IV Terminology**

The Town of Ulysses Code, Chapter 212: Zoning, Article XXI Land Subdivision Regulations, § 212-141 Definitions is amended by adding the following definitions:

#### **ADMINISTRATIVE LOT LINE ALTERATION**

A lot line alteration which meets the standards set forth in § (TBD) and is effectuated administratively without formal Planning Board review or approval.

## **CONSERVATION EASEMENT**

A perpetual restriction on the use of land, created in accordance with the provisions of § 49, Title 3, of the Environmental Conservation Law, or § 247 of the General Municipal Law, for the purposes of conservation of open space, agricultural land or natural, cultural, historic or scenic resources.

#### **LOT LINE ALTERATION**

Any alteration of lot lines or dimensions of any lots or sites or as shown on a plat previously approved and filed in the office of the Tompkins County Clerk.

## **PARENT LOT**

Any parcel of land owned individually and separately and separated in ownership from any adjoining tracts of land on the effective date of this chapter which has a total area which equals or exceeds the minimum requirements for lot size, and for which there exists the legal possibility of subdivision, resubdivision, and/or a Development District.

## **RESOURCE ANALYSIS**

The inventory and evaluation of natural, historic, and cultural resources on a property to 1) identify those resources to be protected, 2) provide the basis for the maximum density calculation and 3) determine locations for building envelopes.

## **SUBDIVISION**

The division of any parcel of land into two or more lots, including the original lot, and plots, sites, or other division of land, with or without streets, for the purpose of immediate or future sale, transfer of ownership, or development after the date of adoption of § 212-140. The term “subdivision” includes any alteration of lot lines or dimensions of any lots or sites shown on a plat previously approved and filed in the office of the County Clerk. Subdivisions are classified as “major,” “minor,” or “cluster” and further defined in § 212-141.

### **Section 19. Specific Zoning Ordinance Amendments – Article IV Terminology**

The Town of Ulysses Code, Chapter 212: Zoning, Article XXI Land Subdivision Regulations, § 212-141 Definitions is amended by amending the following definitions:

#### **MAJOR SUBDIVISION**

A subdivision of land resulting in three or more lots (including the Parent Lot) or the creation of a third lot from the same original Parent Lot within three years. This also includes:

1. Any division of land defined as a realty subdivision under Section 115 of New York Code Title II and subject to Tompkins County Department of Health review under Section 116 of such Code.
2. Any subdivision that involves a new private road or public right-of-way, municipal utility extension or other new public facility.
3. Any cluster subdivision or other subdivision which deviates from the zoning regulations, official map or other Town development policy. will generally be considered a Major Subdivision.

#### **MINOR SUBDIVISION**

Subdivision of land resulting in two lots (including the Parent Lot) or the creation of a second lot from the same original Parent Lot within three years and which:

1. does not include new roads, municipal utility extensions, clustering or public open space or facilities;
2. does not conflict with the zoning regulations, Official Map or any other Town development policy; and
3. does not adversely affect use or development of adjoining land.

### **Section 20. Specific Zoning Ordinance Amendments – Article IV Terminology**

The Town of Ulysses Code, Chapter 212: Zoning, Article XXI Land Subdivision Regulations, § 212-142 Subdivision Procedures is replaced in its entirety:

#### **A. Pre-application meeting**

The Pre-application Meeting is an opportunity for the applicant to present and discuss a conceptual plan for the proposed subdivision prior to committing resources to the preparation of a Sketch Plan. The conceptual discussion shall guide the layout of the subdivision that will be shown in subsequent plan submission(s). All applicants are encouraged to attend a Pre-application Meeting prior to submitting the Sketch Plan and applicants for a Major Subdivision are required to do so. An applicant for a Major Subdivision is also required to submit a Resource Analysis.

In preparation for this meeting, the applicant should become familiar with this Article and all other relevant provisions of this Law, the Comprehensive Plan and SEQRA requirements in order to have a general understanding of the subdivision review process.

No statement, comment or other communication made during this informal review shall be binding upon any party. The pre-application process is required solely to assure that Town development goals are recognized as they may apply to the site in question. The purpose is to help expedite the process by getting the review off to a cooperative start, before the applicant has made a substantial investment in the application process.

#### B. Classification of Subdivision

1. The first stage of subdivision is classification. Classification requires that a subdivider submit a Sketch Plat of the proposed subdivision to the Zoning Officer that provides sufficient detail for the Zoning Officer to classify the action as to the type of review required. The Zoning Officer shall confer with the Chair of the Planning Board for comments and general recommendations as to any adjustment needed to satisfy the objectives of these regulations.
2. The Sketch Plat initially submitted to the Zoning Officer shall be based on tax map information or on some other similarly accurate base map at a scale (preferably not less than 1:2,400) that enables the entire tract to be shown on one sheet.
3. A submitted Sketch Plat shall show the following information:
  - a. A. The location of that portion which is to be subdivided in relation to the entire tract, and the distance to the nearest existing road intersection.
  - b. All existing structures, wooded areas, streams, wetlands, flood hazard areas and other significant physical features within the portion to be subdivided and within 200 feet thereof. If topographic conditions are significant, contours shall also be indicated at intervals of not more than two (2) feet.
  - c. The names of the owner and of all adjoining property owners as disclosed by the current tax roll.
  - d. The tax map, block and lot numbers of all lots shown on the plat.
  - e. All the utilities available and all roads as they appear on the Official Map.
  - f. The proposed pattern of lots (with dimensions), road layout, recreation areas, systems of drainage, sewerage and water supply within the subdivided area.
  - g. All existing restrictions on the use of land, including easements, covenants and zoning district boundary lines.
  - h. Minor and Major Subdivisions may require additional information as specified in this document.

C. Minor subdivision review procedure.

(1) Application and fee.

(a) Within six months after classification of a sketch plat as a minor subdivision by the Zoning Officer, the subdivider shall submit an application for approval of a subdivision plat. Failure to do so shall require resubmission of the sketch plat to the Zoning Officer for reclassification. The subdivision plat shall conform to the layout shown on the sketch plat as well as incorporate any recommendations made by the Planning Board. The application shall also conform to the requirements listed in § 212-142D(2).

(b) At least ~~nine~~seven copies of the subdivision plat shall be presented to the Zoning Officer at the time of submission of the subdivision plat.

(c) All applications for plat approval for minor subdivisions shall be accompanied by a fee established by Town Board resolution.

(2) Requirements for minor subdivision plat review. A subdivision plat application shall include the following information:

(a) A copy of such covenants or deed restrictions that are intended to cover all or part of the tract.

(b) An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified by a licensed land surveyor. The corner of each tract shall also be located on the ground and marked with an approved pin, pipe, or monument and shall be referred to and shown on the plat.

(c) All on-site sanitation and water supply facilities (if any) shall be designed to meet the specifications of the Tompkins County Health Department; approval shall be stated on the plat and signed by an officer of the Health Department.

(d) The proposed subdivision name (if any), and the names of the town and county in which it is located.

(e) The date, a true North arrow, the map scale, and the names, addresses and phone numbers of all owners of record and the subdivider.

(f) The subdivision plat shall be a clear, legible reproduction that meets the standards for filing with the County Clerk as prescribed by law.

(3) Subdivider to attend Planning Board meeting on minor subdivision plat. The subdivider, or a duly authorized representative, shall attend the meeting of the Planning Board at which a subdivision plat is first discussed.

(4) Public hearing on minor subdivision plat.

(a) If required by the Planning Board, a public hearing shall be held within 62 days of the date of submission of required materials. The hearing shall be advertised in the official newspaper of the Town at least five days before such hearing. If no public hearing is required, the Planning Board shall have 62 days from the date of submission to make its decision.

- (b) When an applicant is notified of the public hearing date, the applicant shall be required to obtain signage, provided by the Planning Board and obtained from the Zoning Officer. The applicant shall post this signage at the site, in such a manner as to be readily visible to the public from the nearest adjacent public road, at least 10 days prior to the public hearing.
- (5) Action on minor subdivision plat.
  - (a) The Planning Board shall, within 62 days of the date of the public hearing, act to conditionally approve; conditionally approve with modification; disapprove; or grant final approval to and authorize the signing of the final subdivision plat. This time may be extended by mutual consent of the subdivider and the Planning Board. Failure of the Planning Board to act within such time, in the absence of a mutually agreed upon extension, shall constitute approval of the plat.
  - (b) Upon granting conditional approval with or without modification to the plat, the Planning Board shall empower the Planning Board Chair to sign the plat upon compliance with such conditions and requirements as may be stated in the Board's resolution of conditional approval.
  - (c) Within five days of the resolution granting conditional approval, the plat shall be certified by the Chair of the Planning Board as conditionally approved; a copy shall be filed in the Town Clerk's office; and a certified copy shall be mailed to the subdivider. The copy mailed to the subdivider shall include a certified statement of such requirements as, when completed, will authorize the signing of the conditionally approved plat.
  - (d) Upon completion of the requirements in the resolution of approval, the plat shall be signed by the Chair of the Planning Board. Conditional approval of the plat shall expire 180 days after the date of the resolution granting such approval. The Planning Board may, however, extend the time within which a conditionally approved plat may be submitted for signature, if in its opinion such extension is warranted in the circumstances. Extensions shall be for additional periods of 90 days each.

#### D. Major Subdivision Preliminary Plat Review Procedure

##### 1 Application and Fee

- a. Prior to the filing of an application for the approval of a major subdivision plat, the subdivider shall file an application for the approval of a preliminary plat of the proposed subdivision. Such preliminary plat shall be clearly marked with the words "preliminary plat" and shall be in the form described in § 212-142G(2) hereof. The preliminary plat shall, in all respects, comply with the requirements set forth in the provisions of §§ 276 and 277 of the Town Law and § 212-142G(2) of these Land Subdivision Regulations, except where a waiver is specifically authorized by the Planning Board.
- b. At least ~~nine~~seven copies of the preliminary plat shall be presented to the Zoning Officer along with the fee established by the Town Board.

- c. The date of submission of the preliminary plat shall be considered to be the date on which the Planning Board accepts as complete the preliminary plat and all data required by § 212-142E(2). The Planning Board Chair shall note the date on the preliminary plat.
- d. At least ~~nine~~seven copies of the Resource Analysis shall be presented to the Zoning Officer in accordance with Section Q.

## 2 Requirements for Major Subdivision Preliminary Plat Review

- A. Subdivider to Attend Planning Board Meeting. The subdivider, or a duly authorized representative, shall attend the meeting of the Planning Board to discuss the Preliminary Plat.
- B. The preliminary plat submitted to the Planning Board shall be at an adequate scale to provide detail such as 1" = 50' up to 1" = 200' for parcels under 100 acres and 1" = 200' for parcels of 100 acres or more, shall extend 200 feet past the parcel boundary, and shall show or be accompanied by the following information, except where requirements have been waived: A Preliminary Plat application shall include the following information:
  - a. The proposed subdivision name, the names of the Town and County in which it is located, the date, a true-north arrow, the map scale, and the names, addresses and phone numbers of all owners of record, the subdivider, and the engineer or surveyor, including license number and seal.
  - b. The names of the owners of record of all adjacent property and tax parcel numbers of all lots to be subdivided.
  - c. The zoning district, including exact boundary of districts, where applicable, and any proposed changes in the zoning district lines or the zoning regulations text applicable to the area to be subdivided.
  - d. All parcels of land proposed to be dedicated to public use and the condition of such dedication.
  - e. The locations of existing property lines, easements, buildings, watercourses, marshes, rock outcrops and wooded areas.
  - f. The locations of existing sewers, water mains, on-site wastewater treatment, culverts, and drains on the property, with pipe sizes, grades and direction of flow.
  - g. Contours with intervals of ten feet or less as required by the Planning Board, including elevations on existing roads, and an approximate grading plan if natural contours are to be changed more than two feet.
  - h. The width and location of any roads or public ways or places shown on the Official Map of the Ulysses Comprehensive Plan within the area to be subdivided, and the width, location, grades and road profiles of all roads or public ways proposed by the developer.

- i. The approximate location and size of all proposed water lines, valves, hydrants, sewer lines, and fire alarm boxes. Connection to existing lines or alternate means of water supply or sewage disposal and treatment as provided in standards published by the Tompkins County Health Department. Show profiles of all proposed water and sewer lines. Proposed provision of water supply and related data includes the following:
  - i. Location of any existing wells on site and other proposed lot wells.
  - ii. Copies of New York State Department of Environmental Conservation Well Completion Reports for completed well(s) (including the well log and pump test data).
  - iii. Any and all water quality testing results.
  - iv. Proposed individual water supply system details such as pumps, storage, treatment, controls, etc.
  - v. A completed hydrogeological study, as may be required by the Planning Board at its discretion.
  - j. All requirements as specified in local laws of the Town of Ulysses governing storm-water runoff; a storm-water management plan indicating the approximate location, construction and size of swales; and proposed lines and their profiles. The plan must include ramification of connections to existing or alternate means of disposal.
  - k. Plans and cross-sections showing the proposed new location and types of sidewalks, lighting standards, trees and landscaping, curbs, water mains, sanitary sewers and storm drains, and the size and type thereof; the character, width and depth of pavements and sub-base; the location of manholes, basins, and underground conduits. New features must comply with the Ulysses Subdivision Design Standards, Article XXI, Section 21.3.16.
  - l. Preliminary designs of any bridges or culverts which may be required.
  - m. The proposed lot lines with the approximate dimensions and area of each lot.
  - n. Where the topography is such as to make difficult the inclusion of any of the required facilities within the public areas as laid out, the Preliminary Plat shall show the boundaries of proposed permanent easements for ingress and egress [utility easements may be less wide] over or under private property, which permanent easements shall not be less than 20 feet in width, and which shall provide satisfactory access to an existing public highway or other public open space shown on the subdivision or the Official Map.
  - o. An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified to by a licensed land surveyor. The corners of the tract shall also be located on the ground and marked with an approved pin, pipe or monument as approved by the Town Board, and shall be referred to and shown on the plat.

- p. If the application covers only a part of the subdivider's holding, a map of the entire tract shall be submitted so that the part of the subdivider's holding covered in the application can be considered in the light of the entire holding. This map shall be drawn at a scale of not less than 1:4,800 and shall show an outline of the platted area with its proposed roads, and an indication of any probable future roads system with its grades and drainage in the remaining portion of the tract, and any probable future drainage layout of the entire tract.
  - q. A copy of any covenants or deed restrictions that are intended to cover all or part of the tract.
  - r. Location, width and approximate grade of all proposed streets with approximate elevations shown at the beginning and end of each street, at street intersections and at all points where there is a significant change in the slope or direction.
3. Clustering of Lots is required as a condition to granting any Major Subdivision approval in the A/R – Agricultural/Rural District.
- A. In order to protect agricultural uses, to preserve the agricultural value of land, to provide for the retention of tracts of sufficient size to be used reasonably for agricultural purposes, and to preserve the open space qualities of the Town, the Planning Board, as a condition of granting subdivision approval, shall require, unless good cause is shown for omission of same, the developer to encumber the larger tracts by deed restrictions, conservation or agricultural easements, or other mechanism satisfactory to the Planning Board, to ensure that such parcels shall remain permanently as open space or agricultural land.
  - B. Notwithstanding the density limitations set forth above, any parcel of 50 acres or larger remaining after subdividing off the clustered lots and which has been encumbered in the manner set forth in the immediately preceding subsection, may be further subdivided in accordance with the Cluster Subdivision process in § 212-142 (D).

#### 4 Study of Major Subdivision Preliminary Plat

The Planning Board shall study the practicability of a Preliminary Plat, taking into consideration the requirements of the community and the best use of the land being subdivided. To verify that all necessary information is discussed and reviewed in this process, the applicant shall complete a Resource Analysis in accordance with Section Q and provide a copy to the Planning Board upon completion. In its review, the Planning Board members may schedule a field visit to the site before the analysis is accepted as complete. Particular attention shall be given to the arrangement, location and width of streets, their relation to the topography of the land, water supply, sewage disposal, drainage, lot sizes and arrangement, the future development of adjoining lands as yet unsubdivided, and the requirements of the Ulysses Comprehensive Plan, the Official Map, and Zoning Regulations.

F. Major subdivision final plat application.

(1) Application.

(a) A subdivider shall, within six months after the approval of a preliminary plat, file with the Planning Board an application for approval of a final subdivision plat in final form, using the approved application blank available from the Zoning Officer. If the final subdivision plat is not submitted for approval within six months after the approval of the preliminary plat, the Planning Board may refuse to approve the final subdivision plat and require resubmission of the preliminary plat.

(b) A subdivider intending to submit a final plat for the approval of the Planning Board Chair shall provide the Zoning Officer with a copy of the application and copies as required of the plat, including one in ink on drafting film or an acceptable, equal medium that permits reproductions of the original; the original and one copy of all offers of cession, covenants and agreements; and two prints of all construction drawings.

(2) Major subdivision final plat and accompanying data.

(a) Final plat filing. Any final plat must be stamped by the Planning Board Chair, the Tompkins County Health Department, and the Tompkins County Assessment Department and then must be filed with the County Clerk within 62 days of the Planning Board approval. The County Clerk's filing standards may vary from the review standards of the Town.

(b) The Town's final plat shall show:

[1] Proposed subdivision name or identifying title and the names of the town and county in which the subdivision is located; the names and addresses of the owners of record and of the subdivider; and the name, license number and seal of the New York State licensed land surveyor.

[2] Road lines, pedestrian ways, lots, reservations, easements and areas to be dedicated to public use.

[3] Data acceptable to the Zoning Officer as sufficient to determine readily the location, bearing and length of every street line, lot line and boundary line and as sufficient to reproduce such lines upon the ground. Where applicable, these should be referred to monuments included in the state plane coordinate system, and in any event should be tied to reference points previously established by a public authority.

[4] The length and bearing of all straight lines, radii, length of curves, central angles of curves, and tangent bearings shall be given for each street. All dimensions and angles of the lines of each lot shall also be given. All dimensions shall be shown in feet and decimals of a foot. The plat shall show the boundaries of the property, location, graphic scale and true North arrow.

[5] The plat shall also show by proper designation thereon all public open spaces for which deeds are included and those spaces whose title is reserved by the developer. For any of the latter there shall be submitted with the final subdivision plat copies of agreements or other documents showing the manner in which such areas are to be maintained and the provisions made therefore.

- [6] All offers of cession and covenants governing the maintenance of unceded open space shall bear the certificate of approval of the Town Attorney as to their legal sufficiency.
  - [7] Lots and blocks within a subdivision shall be numbered or lettered in alphabetical order in accordance with the prevailing Town practice.
  - [8] Permanent reference monuments shall be shown and shall be constructed in accordance with specifications of a licensed engineer or surveyor. When referred to the state plane coordinate system they shall also conform to the requirements of the State Department of Transportation. They shall be placed as required by the Town and their location noted and referred to upon the final plat.
  - [9] All lot corner markers shall be permanently located in a way satisfactory to a licensed engineer or surveyor.
  - [10] Pins, pipes or monuments of a type approved by the Town Board shall be set at all corners and angle points of the boundaries of the original tract to be subdivided, and at all street intersections, angle points in street lines, points of curve, and such intermediate points as shall be required by a licensed engineer or surveyor.
  - [11] Construction drawings, including plans, profiles and typical cross-sections as required, showing the proposed location, size and type of streets, sidewalks, streetlighting standards, street trees, curbs, water mains, sanitary sewers and storm drains, pavements and subbase, manholes, catch basins and other facilities.
- G. Endorsement of state and county agencies. Water and sewer facility proposals contained in the final subdivision plat shall be properly endorsed and approved by the Tompkins County Department of Health. Applications for approval on plans for sewer or water facilities shall be filed by the subdivider with all necessary Town, county, and state agencies. Endorsement and approval by the Tompkins County Department of Health shall be secured by the subdivider prior to official submission of the final subdivision plat for approval by the Planning Board.
- H. Public hearing and review of the final plat. Within 62 days of the date of submission of a major subdivision final plat in final form for approval, a public hearing shall be held by the Planning Board. This hearing shall be advertised. Advertising shall be at least once in the official newspaper of the Town and at least five days before the hearing. If, however, the Planning Board deems the final plat to be in substantial agreement with a preliminary plat approved under Article XXI, § 212-142E(6) hereof, and modified in accordance with requirements of such approval if such preliminary plat had been approved with modification, the Planning Board may waive the requirement for such a public hearing.
- I. Planning Board action on proposed final subdivision plat.

- (1) Prescribed time for action. The Planning Board action shall be by resolution to conditionally approve with or without modification; disapprove; or grant final approval to and authorize the signing of the plat by the Chair of the Planning Board. The action is to be taken within 62 days of the public hearing, if one was held, and if no public hearing was held, within 62 days of the date of submission. This time may be extended by written mutual consent of the subdivider and the Planning Board. Failure to take action on a final plat within the time prescribed therefor shall be deemed approval of the plat.
- (2) Conditional approval. Upon resolution of conditional approval of a final plat, the Planning Board shall empower the Chair of the Planning Board to sign the plat upon completion of such requirements as may be stated in the resolution. Within five days of such resolution, the plat shall be certified by the Chair of the Planning Board as conditionally approved, and a copy filed in the Town Clerk's office, and a certified copy mailed to the subdivider. The copy mailed to the subdivider shall include a certified statement of such requirements as, when completed, will authorize the signing of the conditionally approved final plat.
- (3) Certification by Chair of Planning Board. Upon completion of such requirements, the plat shall be signed by the Chair or designee of the Planning Board.
- (4) Expiration of approval. Conditional approval of a final plat shall expire 180 days after the date of the resolution granting such approval unless the requirements have been certified as completed within that time. The Planning Board may, however, extend the time within which a conditionally approved plat may be submitted for signature, if in its opinion such extension is warranted by the circumstances; extensions shall be for additional periods of 90 days each.

J. Required improvements.

- (1) Final approval of major subdivision final plat. Before the Planning Board grants final approval of a major subdivision final plat, the subdivider shall follow the procedure set forth in either § 212-142J(2) or (3) below.
- (2) Full-cost check or bond. In an amount set by the Planning Board, the subdivider shall either file with the Town Clerk a certified check to cover the full cost of the required improvements, or the subdivider shall file with the Town Clerk a performance bond to cover the full cost of the required improvements. Any such bond shall comply with the requirements of § 277 of Town Law, and further shall be satisfactory to the Town Board and Town Attorney as to form, sufficiency, manner of execution and surety. A period of one year, or such other period as the Planning Board may determine appropriate, not to exceed three years, shall be set forth in the bond as the time within which required improvements must be completed.

- (3) Check or bond for completion. The subdivider shall complete all required improvements to the satisfaction of the Zoning Officer, who shall file with the Planning Board a letter signifying the satisfactory completion of all improvements required by the Planning Board. For any required improvements not so completed, the subdivider shall file with the Town Clerk a bond or certified check covering the costs of such improvements. Any such bond shall be satisfactory to the Town Board and Town Attorney as to form, sufficiency, manner of execution and surety.
  - (4) Underground utilities map. The required improvements shall not be considered to be completed until the installation of the improvements has been approved by a licensed engineer or surveyor and a map satisfactory to the Zoning Officer has been submitted indicating the location of monuments marking all underground utilities as actually installed. If the subdivider completes all required improvements according to § 212-142J(3) hereof, then the map shall be submitted prior to endorsement of the plat by the Planning Board Chair. However, if the subdivider elects to provide a bond or certified check for all required improvements as specified in § 212-142J(2) hereof, such bond shall not be released until such a map is submitted.
- K. Modification of design of improvements. If, at any time during the construction of required improvements, it is demonstrated to the satisfaction of the Zoning Officer that unforeseen conditions make it necessary to modify the location or design of the required improvements, the Zoning Officer may, upon approval by the Chair of the Planning Board or designee, authorize modifications, provided that these modifications are within the spirit and intent of the Planning Board's approval and do not extend to the waiver or substantial alteration of the function of any improvements required by the Board. The Zoning Officer shall issue any authorization under this subsection in writing and shall transmit a copy of such authorization to the Planning Board at its next regular meeting.
- L. Inspection of improvements.
- (1) Inspection fee. At least five days prior to commencing construction of required improvements, a subdivider shall pay to the Town Clerk the inspection fee required by the Town Board and shall notify the Town Board, in writing, of the time when the subdivider proposes to commence construction of the improvements, so that the Town Board may cause inspection to be made to assure that all Town specifications and requirements shall be met during the construction of required improvements, and to assure the satisfactory completion of improvements and utilities required by the Planning Board.

- (2) Proper installation of improvements. If the Town's Engineer finds, upon inspection of the improvements performed before the expiration date of a performance bond, that any of the required improvements have not been constructed in accordance with plans and specifications filed by the subdivider, the Engineer shall so report to the Town Board, Zoning Officer and Planning Board. The Town Board then shall notify the subdivider and, if necessary, the bonding company, and take all necessary steps to preserve the Town's rights under the bond. No additional subdivision plat shall be approved by the Planning Board as long as the subdivider is in default on a previously approved subdivision plat.

M. Final approval of subdivision plat.

- (1) Signature of Planning Board Chair. Upon completion of the requirements in § 212-1421 through L hereof and notation to that effect upon the subdivision plat, it shall be deemed to have final approval and shall be properly signed by the Chair or designee of the Planning Board and may be filed by the applicant in the office of the County Clerk.
- (2) Prompt filing. Any subdivision plat not so filed or recorded within 62 days of the date upon which the plat is approved or considered approved by reason of the failure of the Planning Board to act shall become null and void.
- (3) Plat void if revised after approval. No changes, erasures, modifications or revisions shall be made in any subdivision plat after approval has been given by the Planning Board and endorsed, in writing, on the plat, unless the plat is first resubmitted to the Planning Board and the Board approves any modifications. In the event that any such subdivision plat is recorded without complying with this requirement, it shall be considered null and void, and the Board shall institute proceedings to have the plat stricken from the records of the County Clerk.

N. Public streets and recreation areas.

- (1) Public acceptance of roads. The approval by the Planning Board of a subdivision plat shall not be deemed to constitute or be evidence of any acceptance by the Town of any road, easement or other open space shown on the subdivision plat.
- (2) Ownership and maintenance of recreation areas. When a park, playground, or other recreation area has been shown on a subdivision plat, approval of the plat shall not constitute an acceptance by the Town of the recreation area. The Planning Board shall require the plat or licensed survey map to be endorsed with approved and appropriate restrictions and disclaimers to this effect. The Planning Board may also require the filing of a written agreement between the applicant and the Town Board covering future deed and title, dedication, and provision for the cost of grading, development, equipment and maintenance of any such recreation area.

O. Cluster Subdivisions

### 1. Purpose

- A. To permanently protect open space and recreational opportunities, agricultural land, forestry land, wildlife habitat, other natural resources including aquifers, waterbodies and wetlands, in a manner that is consistent with the Town of Ulysses Comprehensive Plan;
- B. To encourage a less sprawling and more efficient form of development that consumes less open land and conforms to existing topography and natural features better than a conventional or grid subdivision;
- C. To minimize the total amount of disturbance on the site;
- D. To further the goals and policies of the Town of Ulysses Comprehensive Plan;
- E. To facilitate the construction and maintenance of housing, streets, utilities, and public service in a more economical and efficient manner;
- F. To achieve a balance between well-designed residential development, meaningful open space conservation, and natural resource protection in the countryside by requiring cluster subdivisions instead of traditional major subdivisions.

### 2. Authority

The Planning Board is authorized to approve average density subdivision for parcels in all districts. In addition, the Planning Board, at its discretion, may recommend said average density subdivisions to be clustered on a particular lot as described herein. The Planning Board is authorized to approve a cluster development simultaneously with the approval of a subdivision plat or plats pursuant to Town Law §278. Approval of a cluster development is subject to the provisions set forth in Town Law §278 and these Land Subdivision Regulations. This section supersedes § 278 of the Town Law pursuant to the Town's authority in § 10 of the Municipal Home Rule Law.

### 3. Applicability

- a. These regulations apply to all properties within the Town. The use of cluster subdivisions is intended to protect tracts of environmentally and scenically significant undeveloped land in the Town, including road corridors and buffer areas, and implement the Town of Ulysses Comprehensive Plan.
- b. Cluster subdivisions result in the preservation of contiguous open space and important scenic and environmental resources, while allowing compact development and more design flexibility than traditional subdivisions. Cluster subdivisions must satisfy the standards in this chapter. The procedure for approving cluster subdivisions is described in this Section. Subject to the criteria of these regulations, the implementation of conservation subdivision is the primary method of subdivision unless the findings set forth in this chapter allow for subdivision.

### 4. Request by Subdivider

A subdivider may request the use of Cluster Subdivision under Town Law, Section 278, with respect to presentation of a Minor Subdivision Sketch Plat as described in Article XXI, § 212-142A hereof.

#### 5. Sketch Plat

A subdivider must present, along with a proposal in accordance with the provisions of Town Law, Section 278, a Cluster Sketch Plat which is consistent with all the criteria established by these Land Subdivision Regulations, including roads being consistent with the road specifications and lots being consistent with Zoning Regulations.

#### 6. Design Process and Standards

- A. At the time of the application for a subdivision approval subject to Cluster Subdivision, applicants are required to demonstrate to the Planning Board that the following Design Process was performed by a certified Landscape Architect and considered in determining the layout of proposed streets, house lots, and open space.
- B. The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal. Any grade changes shall be in keeping with the general appearance of the neighboring developed areas. The orientation of individual building sites shall be such as to maintain maximum natural topography and cover. Topography, tree cover, and natural drainage ways shall be treated as fixed determinants of road and lot configuration rather than as malleable elements that can be changed to follow a preferred development scheme.
- C. Streets shall be designed and located in such a manner as to maintain and preserve natural topography, significant landmarks, and trees; to minimize cut and fill; and to preserve and enhance views and vistas on or off the subject parcel.
- D. Mixed-use development shall be related harmoniously to the terrain and the use, scale, and architecture of existing buildings in the vicinity that have functional or visual relationship to the proposed buildings. Proposed buildings shall be related to their surroundings.
- E. All open space (landscaped and usable) shall be designed to add to the visual amenities of the area by maximizing its visibility for persons passing the site or overlooking it from nearby properties.
- F. The removal or disruption of historic, traditional or significant uses, structures, or architectural elements shall be minimized insofar as practicable, whether these exist on the site or on adjacent properties.

#### 7. Resource Analysis

- A. The Planning Board shall use the Resource Analysis required in this Section to determine the amount of constrained land and other unique features with conservation value. The Planning Board shall review the Resource Analysis and make its Conservation Findings. The Resource Analysis and Conservation Findings shall be used as the basis for Sketch Plan Review.
  - a. The Planning Board shall make a final determination as to which land has the most conservation value and should be protected from development. This determination shall be based upon an analysis that weighs the relative importance of the environmental resources on the site and shall be expressed in a written report supporting its decision (the Conservation Findings).
  - b. The Planning Board may incorporate information provided by, but not limited to, its own research, site visits, consultants, other qualified experts or agencies or from public comments. If, as a result of the SEQRA review, information arises to cause the Resource Analysis to change, such change will be made at that time, by the Planning Board, in its sole discretion.
- B. The applicant shall prepare the Resource Analysis and submit it to the Planning Board as part of the Sketch Plan. The Resource Analysis shall contain the following information and be subject to the following order: Step One: Identifying Conservation Areas. Identify preservation land by two steps. First, Primary Conservation Areas such as wetlands, riverfront areas, and floodplains regulated by local, state, or federal law and Secondary Conservation Areas (including unprotected elements of the natural landscape such as steep slopes, mature woodlands, prime farmland, meadows, wildlife habitats and cultural features such as historic and archeological sites and scenic views) must be identified and delineated. Second, the Potentially Developable Area will be identified and delineated. To the maximum extent feasible, the Potentially Developable Area shall consist of land outside identified Primary and Secondary Conservation Areas. Applicants shall consult the Town of Ulysses Natural Resources Inventory in preparing the conservation analysis.
  - 1. The conservation analysis shall show lands with conservation value on the parcel and within 200 feet of the boundaries of the parcel, including but not limited to the following:
    - a. Wetlands, watercourses, slopes 15% to 30% and slopes over 30%.
    - b. Prime and statewide important farmland soils, land in active agricultural use, trail corridors, scenic viewsheds, public water supply wellheads, park and recreation land, unfragmented forestland, wildlife corridors and habitats, vernal pools, and historic and archaeological sites, if such areas are specifically identified in the Comprehensive Plan, in the Town of Ulysses Natural Resources Inventory, the New York Natural Heritage Program, in biodiversity maps prepared for the Town by an environmental consulting organization, or in any the Town of Ulysses Agriculture and Farmland protection plan.
    - c. Designated overlay zones for stream corridors, aquifers, scenic protection, and floodplains.
    - d. Buffer areas necessary for screening new development from adjoining parcels.

- e. Stone walls and individual trees or forested areas containing trees that are 18 inches in diameter at breast height (DBH) or larger.
  - f. Land that has been disturbed or altered in the past and therefore may be more suitable for development. (This does not include land disturbed by an Applicant prior to applying for a development approval.)
  - g. If identified by the Planning Board or the Town's planning consultant in the course of Sketch Plan discussions, other land exhibiting present or potential future recreational, historic, ecological, agricultural, water resource, scenic or other natural resource value.
2. The outcome of the conservation analysis and the Planning Board's determination shall be incorporated into the sketch plan showing land recommended to be permanently preserved by a conservation easement, as well as recommended conservation uses, ownership, and management guidelines for such land. The sketch plan shall also show preferred locations for intensive development as well as acceptable locations for less-dense development.
3. The determination as to which land has the most conservation value and should be protected from development by conservation easement shall be made by the Planning Board, which shall make written findings supporting its decision (the "conservation findings"). The Planning Board shall not endorse any application that does not include a complete conservation analysis sufficient for the Board to make its conservation findings. The Planning Board's conservation findings shall be subject to revision based upon field analysis of the site and information developed in the course of the SEQRA process.
- C. Step Two: Locating House Sites. Locate the approximate sites of individual houses within the Potentially Developable Area and include the delineation of private yards and shared amenities, so as to reflect an integrated community, with emphasis on consistency in development patterns. The number of homes enjoying the amenities of the development shall be maximized.
- D. Step Three: Aligning the Road and Trails. Align roads in order to access the house lots. Additionally, new trails should be laid out to create internal and external connections to existing and/or potential future streets, sidewalks, and trails.
- E. Step Four: Lot Lines. Draw in the lot lines. Cluster subdivisions are intended to allow flexibility while preserving important natural attributes of the land. Density is calculated following a formula based upon the net acreage of the property. In order to determine the net acreage of a given area of land, it is necessary to subtract land that is unbuildable or that presents other development constraints.
1. Lots shall be arranged in a manner that protects land of conservation value and protects the scenic resources of the Town. Compact development is encouraged if it advances the protection of significant resources.

2. The minimum lot width and other dimensional standards (except lot size) of § 212-29 Lot Area and Yard Requirements may be waived at the discretion of the Planning Board for any subdivision that meets the policy standards of subsections 4 and 5 below and provided that there is adequate lot area for the siting of on-site wells and on-site wastewater treatment systems where planned. The limiting factor on lot size in cluster subdivisions is the availability of water and sewer infrastructure.
3. The Planning Board shall determine appropriate lot sizes in the course of its review of a Cluster Subdivision based upon the criteria established in this section and the requirements of the Tompkins County Department of Health. Town services, if available, and/or private water/sewage systems may be used to meet these requirements. In order to permit a clustered lot configuration, wells and on-site wastewater treatment systems may also be located in areas of protected open space, provided that necessary easements are provided for maintenance of these facilities.
4. The applicant shall specify dimensional requirements for a proposed Cluster Subdivision by identifying setbacks and other lot dimensions to be incorporated into the Final Plat. The Planning Board may vary bulk requirements to accommodate a Cluster Subdivision. The Planning Board may consider an application to develop a portion of a parcel if a Resource Analysis is provided for the entire parcel.
5. There shall be no required area, bulk, or dimensional standards in a Cluster Subdivision with the exception of building height and building length as stated in Table A: Dimensional Standards. Where such subdivision abuts an existing residence, all side and rear yard setbacks are required as stated in Table A: Dimensional Standards for the zone where the Cluster Subdivision is located.
6. Where lot width requirements have been waived, the minimum road frontage for each lot shall not be less than 50 feet.
7. Side lot lines shall be substantially at right angles or radial to street lines.
8. Through lots or reverse-frontage lots shall be avoided except where essential to overcome specific disadvantages of topography and orientation. An easement of suitable width, across which there shall be no right of access, may be required along the line of lots abutting such road or other disadvantageous use. As an alternate, where driveway access from a major street may be necessary for several adjoining lots, the Planning Board may require that such lots be served by a combined access driveway in order to limit possible traffic hazard on such street.
9. The plat shall provide each lot with satisfactory access to an existing public street or to a subdivision street that will be ceded to public use at the time of final plat approval. Private roads may be permitted only by resolution of the Town Board.
10. Radius corners shall be provided on the property line substantially concentric with the curb radius corners.

## ~~8. Density Bonuses~~

~~The Planning Board may, in its discretion, grant a density bonus for Cluster Subdivisions advancing specific policy goals enumerated below. The density bonus allows additional lots. The number of additional lots is calculated by multiplying the total number of allowed lots by 0.25 (25%) and rounding to the nearest whole number.~~

~~Accordingly, and notwithstanding the minimum lot sizes set forth above, the following additional requirements shall apply to all Major Subdivisions within the Rural/Agricultural Zone:~~

~~1. The maximum density permitted in § 212-29 Lot Area and Yard Requirements may be increased through density bonuses designed to advance important goals of the Comprehensive Plan and Agricultural and Farmland Protection Plan. In accordance with § 261-b of the Town Law of the State of New York, the Town Board of the Town of Ulysses is empowered to provide for a system of zoning incentives or bonuses in exchange for specific environmental, social, economic, or cultural benefits or amenities as the Town Board deems necessary and appropriate and which are consistent with the intent and purpose set forth in the Comprehensive Plan.~~

~~2. These density bonuses may be combined to result in a total density bonus not exceeding 25%. The density permitted by this section shall not be reduced as a result of the Resource Analysis required in Q.7. or as a result of the reservation of parkland during the subdivision process. Density bonuses are given at the discretion of the Planning Board based upon written findings by the Planning Board documenting the expected public benefit. Density bonuses are calculated by first determining the allowable base density under § 212-29 Lot Area and Yard Requirements and then multiplying that number by 100% plus the percentages that follow:~~

~~If the applicant allows public access to protected open space on the property and the Planning Board finds that such public access provides a significant recreational benefit to the Town (such as a trail connector or access to an important natural area): a maximum of 10% density bonus.~~

~~ii. If the applicant preserves at least 80% of the parcel as working farmland (including the creation and preservation of new working farmland): a maximum of 20% density bonus.~~

~~iii. If the applicant preserves at least 80% of the parcel as permanent open space: a maximum 20% density bonus. The requirements for permanent open space are provided in Section V, Parks, open space, and natural features.~~

## ~~89. Preservation of Open Space~~

A. If the arrangement of lots results in large expanses of preserved open space, the preserved open space may be included as a portion of one or more large lots, or may be contained in a separate open space lot. Such open space may be owned by a homeowner's association, private landowner(s), a utility company, a non-profit organization, or the Town or other governmental entity, as long as it is permanently protected from development by a conservation easement held by a unit of government or qualified conservation organization.

- B. Permanent Preservation by Conservation Easement
  - a. A perpetual conservation easement restricting development of the open space land and allowing use only for agriculture, forestry and silviculture, passive recreation, protection of natural resources, or similar conservation purposes, pursuant to Section 247 of the New York State General Municipal Law and/or Sections 49-0301 through 49-0311 of the Environmental Conservation Law, may be granted to the Town, with the approval of the Town Board, or to a qualified not-for-profit conservation organization acceptable to the Planning Board. Such conservation easement shall be approved by the Planning Board and shall be required as a condition of Final Plat approval. The conservation easement shall be recorded in the Tompkins County Clerk's Office prior to or simultaneously with the filing of the final subdivision plat in the County Clerk's Office. The Town shall maintain a current map which displays all lands subject to conservation easements or deed restrictions.
  - b. The conservation easement shall limit residential, industrial, or commercial use of open space land (except in connection with agriculture, forestry, and passive recreation). Access roads, driveways, wells, local utility distribution lines, underground sewage disposal facilities, stormwater management facilities, trails, temporary structures for passive outdoor recreation, and agricultural structures may be permitted on preserved open space land with Planning Board approval, provided that they do not impair the conservation value of the land. Forestry and silviculture shall be conducted in conformity with applicable New York State Department of Environmental Conservation best management practices.
- C. Ownership of Open Space Land
  - a. Open space land shall under all circumstances be protected by a perpetual conservation easement, but may be held in private ownership, offered for dedication to Town, County, or State governments, transferred to a qualified not-for-profit conservation organization acceptable to the Planning Board, owned in common by a homeowner's association (HOA), or held in such other form of ownership as the Planning Board finds appropriate to properly manage the open space land and to protect its conservation value.
  - b. If the land is owned in common by an HOA, such HOA shall be established in accordance with the following:
    - i. The HOA must be established before the approved subdivision Final Plat is signed, and must comply with all applicable provisions of the General Business Law.
    - ii. Membership must be mandatory for each lot owner, who must be required by recorded covenants and restrictions to pay fees to the HOA for taxes, insurance, and maintenance of common open space, private roads, and other common facilities.
    - iii. The open space restrictions must be in perpetuity.
    - iv. The HOA must be responsible for liability insurance, property taxes, and the maintenance of recreational and other facilities and private roads.
    - v. Property owners must pay their pro rata share of the costs and the assessment levied by the HOA must be able to become a lien on the property.

- vi. The HOA must be able to adjust the assessment to meet changed needs.
- vii. The applicant shall make a conditional offer of dedication to the Town, binding upon the HOA, for all open space to be conveyed to the Town. Such offer may be accepted by the Town, at the discretion of the Town Board, upon the failure of the HOA to take title to the open space from the applicant or other current owner, upon dissolution of the association at any future time, or upon failure of the HOA to fulfill its maintenance obligations hereunder, or to pay its real property taxes.
- viii. Ownership shall be structured in such a manner that real property taxing authorities can satisfy property tax claims against the open space lands by proceeding against individual owners in the HOA and the dwelling units they each own.
- ix. The attorney for the board reviewing the application shall find that the HOA documents presented satisfy the conditions in Subsections (a) through (h) above and such other conditions as the Planning Board shall deem necessary.

P. General requirements and design standards. In considering applications for subdivision of land, the Planning Board shall be guided by the following principles and the standards set forth in § 212-142Q through V hereof. The standards shall be considered minimum requirements and shall be waived by the Planning Board only under circumstances set forth in Article XXI, § 212-142W hereof.

- (1) Character of land. Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood or other menace.
- (2) Conformity to Official Map and Ulysses Comprehensive Plan. Subdivisions shall conform to the Official Map of the Town and shall be in harmony with the Ulysses Comprehensive Plan.
- (3) Specifications for required road improvements. All required improvements shall be constructed or installed to conform to the Town specifications, which are found below. Further specifications and consultation may be obtained from the Zoning Officer.

Q. Road considerations.

- (1) Statement of acceptance. All roads that are to be dedicated as public roads must comply with the standards set forth in this document. All access roads that are not to be dedicated as public roads must comply with § 280-a of Town Law. Roads will be accepted only if they are free and clear of all liens, encumbrances, easements and rights-of-way. A written statement of acceptance must be filed by the Highway Superintendent and the Town Attorney before any road shall be accepted by the Town Board.

- (2) Width, location, and construction. Roads shall be sufficiently wide, suitably located, and adequately constructed to conform to the Ulysses Comprehensive Plan and to accommodate the prospective traffic and afford access for firefighting, snow removal and other road-maintenance equipment. The arrangement of roads shall be such as to cause no undue hardship to adjoining properties and shall be coordinated so as to compose a convenient system. Refer to Article XXI, § 212-142R hereof for roads that are to be turned over to and maintained by the Town.
- (3) Arrangement of roads.
  - (a) The arrangement of roads in a subdivision shall provide for the continuation of principal streets of adjoining subdivisions, and for proper projection of principal streets into adjoining properties which are not yet subdivided, in order to make possible necessary fire protection, movement of traffic, and the construction or extension, presently or when later required, of needed utilities and public services such as sewers, water lines and drainage facilities. Subdivisions containing 20 lots or more shall have at least two street connections with existing public streets, or streets shown on the Official Map, if such exist, or streets on an approved subdivision plat for which a bond has been filed.
  - (b) Where, in the determination of the Planning Board, topographic or other conditions make such continuance undesirable or impracticable, the above conditions may be modified.
- (4) Minor roads. Minor roads shall be so laid out that their use by through traffic will be discouraged.
- (5) Special treatment along major arterial roads. When a subdivision abuts or contains an existing or proposed major arterial road, the Planning Board may require marginal access roads, reverse frontage with screen planting contained in a nonaccess reservation along the rear property line, deep lots with rear service alleys, or such other treatment as may be necessary to afford adequate protection of residential properties and to afford separation of through and local traffic.
- (6) Loop roads and circle drives. The creation of loop residential roads will be encouraged wherever the Planning Board finds that such roads are needed or desirable. Circle drives create problems for snow plowing and are discouraged. The Planning Board may require the reservation of a twenty-foot-wide easement to provide for continuation of pedestrian traffic and utilities to the next street.
- (7) Dimensions of blocks. Blocks generally shall not be less than 400 feet nor more than 1,200 feet in length. In general, no block width shall be less than twice the normal lot depth. In blocks exceeding 800 feet in length, the Planning Board may require the reservation of a twenty-foot-wide easement through the block to provide for the crossing of underground utilities and pedestrian traffic where needed or desirable and may further specify, at its discretion, that a four-foot-wide paved foot path be included.
- (8) Openings for minor roads. Minor or secondary road openings into such roads shall, in general, be at least 500 feet apart.

- (9) Road jogs. Road jogs with center-line offsets of less than 125 feet shall not normally be permitted.
- (10) Angles of intersection. The angle of intersection for all roads shall be such that for a distance of at least 100 feet a road is within 10° of a right angle to the road it joins.
- (11) Roads' relation to topography. The road plan of a proposed subdivision shall bear a logical relationship to the topography of the property, and all streets shall be arranged so as to obtain as many of the building sites as possible at or above the grade of the streets. Grades of roads shall conform as closely as possible to the original topography.
- (12) Borders with railroad or limited-access highway rights-of-way. Where a subdivision borders on or contains a railroad right-of-way or a limited-access highway right-of-way, the Planning Board may require a road approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land (as for park purposes in residential districts or for commercial or industrial purposes in appropriate districts). Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.

R. Road design.

- (1) Guidelines.
  - (a) Rights-of-way:
    - [1] Major roads: sixty-six-foot right-of-way, forty-foot minimum pavement width (four travel lanes).
    - [2] Local roads: sixty-foot right-of-way, twenty-foot minimum pavement width (two travel lanes).
    - [3] Additional rights-of-way may be required where deep cuts or fills are needed.
  - (b) Width of road: twenty-foot minimum pavement width, lanes ten-foot minimum width.
  - (c) Shoulder width: six-foot minimum width.
  - (d) Sight distance: Sight distance shall be at least 300 feet for intersections, horizontal curves and vertical curves.
  - (e) In all cases where lots of less than two-hundred-foot frontage are shown on the highway, alignment shall accommodate a potential future five-foot-wide sidewalk on the side along the highway right-of-way.
- (2) Construction specifications (Refer to Figure 2[11]).
  - (a) Before any gravel is placed, the subgrade shall be crowned to a five-percent grade and shall be well compacted.
  - (b) Adequate ditches shall be provided by the builder. The minimum ditch grade shall be 0.5%. The Town will maintain ditches after acceptance of road.

- (c) Culverts shall be placed in natural waterways, at low spots in grade, and in other spots where required. Builder will furnish culverts and install head walls if requested by the Highway Superintendent. All culvert sizes and lengths shall be determined and culvert designs approved by the Highway Superintendent before installation.
- (d) Under drains shall be placed in low, wet areas where side hill seepage is encountered or in other areas where required.
- (e) Approved gravel base shall be placed six inches to 18 inches deep from ditch to ditch and well compacted. All depth measurements refer to compacted depths. The top lift shall be crushed gravel or crusher-run stone, 20 feet wide and six inches deep centered on base and compacted. The total compacted depth of gravel shall be 12 inches to 24 inches. Gravel base will be compacted at six- to eight-inch lifts, top grade compacted at the six-inch lift.
- (f) All roads must be paved with either a liquid bituminous material or a plant-mixed bituminous concrete material. Base course three inches minimum, top course two inches minimum.
- (g) Crown on road: two-percent grade.
- (h) If considered necessary for road maintenance purposes, the Highway Superintendent may require greater road curve radii than the standards in the following sections.

[11]

Editor's Note: Said Figure is on file and available for inspection in the Town offices.

- (3) Further road improvements, including fire hydrants and lighting. Roads shall be graded and improved with pavement. In addition, roads may require curbs and gutters, sidewalks, storm drainage facilities, water mains, sewers, streetlights and signs, street trees and fire hydrants, except where waivers may be requested, and the Planning Board may waive, subject to appropriate conditions, such improvements as it considers may be omitted without jeopardy to the public health, safety and general welfare. Pedestrian easements shall be improved as required by the Town's Engineer. Such grading and improvements shall be approved as to design and specifications by the Town's Engineer.
- (a) Fire hydrants shall conform to all requirements of standard thread and nut as specified by the New York Fire Insurance Rating Organization and the Division of Fire Safety of the State of New York and the Town of Ulysses specifications or laws for public water service.
- (b) Lighting facilities shall be in conformance with the lighting system of the Town. Such lighting standards and fixtures shall be installed after approval by the appropriate power company and the authorized Town Electrical Inspector.

(4) Underground utilities. The Planning Board shall require that underground utilities be placed in the road right-of-way between the paved roadway and road line to simplify location and repair of lines when they require attention. The subdivider shall install underground service connections to the property line of each lot within the subdivision for such required utilities before the road is paved. Where topography is such as to make impractical the inclusion of utilities within the road rights-of-way, perpetual unobstructed easements at least 20 feet in width shall be otherwise provided with satisfactory access to the road. Wherever possible, easements shall be continuous from block to block and shall present as few irregularities as possible. Such easements shall be cleared and graded where required.

(5) Grades. Grades of all roads shall conform in general to the terrain, and shall not be less than 0.5% nor more than 6% for major or collector roads, or 10% for minor roads in residential zones, but in no case more than 3% within 50 feet of any intersection. All changes in grade shall be connected by vertical curves of such length and radius as meet with the approval of the Town's Engineer so that clear visibility shall be provided for a safe distance.

(6) Curves at intersections. All road right-of-way lines at intersections shall be rounded by curves of at least a twenty-foot radius, and curbs shall be adjusted accordingly. (Refer to Figure 3.[12])

[12] Editor's Note: Said Figure is on file and available for inspection in the Town offices.

(7) Visibility. Visibility at intersections shall be maintained. A combination of steep grades and curves shall be avoided. In order to provide visibility for traffic safety, that portion of any corner lot (whether at an intersection entirely within the subdivision or of a new road with an existing road) which is shown shaded on the figure below shall be cleared of all growth (except isolated trees) and obstructions above a level three feet higher than the center line of the road. If such is directed, ground shall be excavated to achieve visibility. (Refer to Figure 4[13].)

[13] Editor's Note: Said Figure is on file and available for inspection in the Town offices.

(8) Circle drive requirements. Circle drive roads shall terminate in a circular turnaround having a minimum outside right-of-way diameter of 220 feet and a minimum right-of-way width of 60 feet. Circle drive roads are to be discouraged and a loop road used instead. At the end of a temporary dead-end road, the developer should put in a temporary hammerhead turnaround. (Refer to Figure 5.[14])

[14] Editor's Note: Said Figure is on file and available for inspection in the Town offices.

(9) Loop roads. The two intersections of a loop road with the main road must be a minimum of two lot depths apart. (Refer to Figure 6.[15])

[15] Editor's Note: Said Figure is on file and available for inspection in the Town offices.

(10) Watercourses. Where a watercourse separates a proposed road from abutting property, provision shall be made for access to all lots by means of culverts or other structures of design approved by the Highway Superintendent or the Town's Engineer. Where a subdivision is traversed by a watercourse, drainageway, channel or stream, there shall be provided a stormwater easement or drainage right-of-way as required by the Highway Superintendent or the Town's Engineer, which in no case shall be less than 20 feet in width.

(11) Curves at deflecting roads. In general, road lines within a block deflecting from each other at any one point by more than 10° shall be connected with a curve, the radius of which from the center line of the street shall not be less than 400 feet on major roads, 200 feet on local roads, and 100 feet on minor roads. (Refer to Figure 7.[16])

[16] Editor's Note: Said Figure is on file and available for inspection in the Town offices.

(12) Service roads. Paved rear service roads of not less than 20 feet in width, or in lieu thereof, adequate off-road loading space, surfaced with a suitable, dust-free material, shall be provided in connection with lots designed for commercial use.

(13) Commercial zones. In front of areas zoned and designed for commercial use, or where a change of zoning to a zone which permits commercial use is contemplated, the road width shall be increased by such an amount on each side as may be deemed necessary by the Planning Board to assure the free flow of through traffic without interference by parked or parking vehicles, and to provide adequate and safe parking space for such a commercial or business district.

#### S. Road names.

(1) All road names shown on a preliminary plat or subdivision plat shall be approved by the Planning Board. In general, roads shall have names and not numbers or letters.

(2) Proposed road names shall be substantially different so as not to be confused in sound or spelling with present names in this or nearby municipalities, except that roads that join or are in alignment with roads of an abutting or neighboring property shall bear the same name. Generally, no road should change direction sharply or at a corner without a change in name.

#### T. Lots.

(1) Lots shall be buildable. The lot arrangement shall be such that in constructing a building in compliance with the zoning regulations, there will be no foreseeable difficulties for reasons of topography or other natural conditions. Lots approved in a subdivision cannot be further divided.

(2) Side lines. All side lines of lots shall be at right angles to straight road lines and radial to curved road lines, unless a variance from this rule will give a better road or lot plan.

(3) Corner lots. In general, corner lots should be larger than interior lots to provide for proper building setback from each street and provide a desirable building site, and to avoid obstruction of free visibility at the roadway intersection. See Article XXI, § 212-142R(7).

- (4) Driveway access. Driveway access and grades shall conform to specifications of the Town Law. Driveway grades between the street and the setback line shall not exceed 10%.
- (5) Access from private roads. Access from private roads shall be deemed acceptable only if such roads are designed and improved in accordance with these regulations.
- (6) Monuments and lot corner markers. Monuments and lot corner markers shall be permanent monuments meeting specifications approved by the Town Board as to size, type and installation; they shall be set at such block corners, angle points, points of curves in streets and other points as the Town's Engineer may require; and their location shall be shown on the subdivision plat.

U. Drainage improvements.

- (1) Stormwater runoff. All subdivisions are subject to all New York State and local laws governing stormwater runoff.
- (2) Removal of spring and surface water. The subdivider may be required by the Planning Board to carry away by pipe or watercourse any spring or surface water that may exist either previous to, or as a result of, a subdivision. Such drainage facilities shall be located in the road right-of-way where feasible, or in perpetual unobstructed easements of appropriate width.
- (3) Drainage structure to accommodate potential development upstream. Any culvert or other drainage facility shall be large enough to accommodate potential runoff from the entire upstream drainage area, whether inside or outside the subdivision. The Town's Engineer shall approve the design and size of the facility on the basis of anticipated runoff from a ten-year storm under conditions of total potential development permitted by the zoning regulations in the watershed.
- (4) Downstream drainage. The subdivider's engineer shall also study the effect of each subdivision on the existing downstream drainage facilities outside the area of the subdivision; this study shall be reviewed by the Town's Engineer. Where it is anticipated that the additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility during a five-year storm, the Planning Board shall notify the Town Board of such potential condition. In such case, the Planning Board shall not approve the subdivision until provision has been made for the improvement of such condition.
- (5) Land subject to flooding. Land subject to flooding shall not be platted for residential occupancy, nor for such other uses as may increase danger to health, life or property, or aggravate the flood hazard, but such land within the plat shall be set aside for such uses as shall not be endangered by periodic or occasional inundation, or improved in a manner satisfactory to the Planning Board to remedy the hazardous conditions.

V. Parks, open spaces, and natural features.

- (1) Open space to be shown on plat. Where a proposed park, playground, or open space shown on the Town Plan is located in whole or in part in a subdivision, the Board shall require that such area or areas be shown on the plat in accordance with the requirements specified in § 212-142V(2) hereof. Such area or areas may be dedicated to the Town by the subdivider if the Town Board approves such dedication.
- (2) Parks and playgrounds not shown on Town Plan.
  - (a) The Planning Board shall require that a plat show sites of a character, extent and location suitable for the development of a park, playground or other recreation purpose. The Planning Board may require that the developer satisfactorily grade any such recreation areas shown on the plat.
  - (b) The Board shall require that not less than three acres of recreation space be provided for 100 dwelling units shown on the plat. However, in no case shall the Board require more than 10% of the total area to be set aside in the subdivision. Such area or areas may be dedicated to the Town by the subdivider if the Town Board approves such dedication.
- (3) Information to be submitted. In the event that an area to be used for a park or playground is required to be so shown, the subdivider shall, prior to final approval, submit to the Board ~~eight~~7 prints (one on Mylar if requested) drawn in ink showing, at a scale not smaller than 1:300, such area and the following features thereof:
  - (a) The boundaries of the area, giving metes and bounds of all straight lines, radii, lengths, central angles and tangent distances of all curves.
  - (b) Existing features, such as brooks, ponds, clusters of trees, rock outcrops and structures.
  - (c) Existing, and, if applicable, proposed changes in grade and contours of the area and of areas immediately adjacent.
- (4) Waiver of plat designation of area for parks and playgrounds. In cases where the Planning Board finds that due to the size, topography or location of the subdivision, land for a park, playground or other recreation purpose cannot be properly located therein, or, if in the opinion of the Board it is not desirable, the Board may waive the requirement that the plat show land for such purposes. The Board shall then require as a condition to approval of the plat a payment to the Town of Ulysses in an amount established by the Town Board. Payment shall be per gross acre of land which otherwise would have been acceptable as a recreation site. The amount of land which otherwise would have been acceptable as a recreation site shall be determined in accordance with the standards set forth in § 212-142V. Such amount shall be paid to the Town at the time of final plat approval, and no plat shall be signed by the authorized officer of the Planning Board until such payment is made. All such payments shall be held by the Town in a special Town Recreation Site Acquisition and Improvement Fund to be used for the acquisition of land that:
  - (a) Is suitable for public park, playground or other recreational purposes.
  - (b) Is so located that it will serve primarily the general neighborhood in which the land covered by the plat lies.

- (c) Shall be used only for park, playground or other recreational land acquisition or improvements. Such money may also be used for the physical improvement of existing parks or recreation areas serving the general neighborhood in which the land shown on the plat is situated, providing the Town Board finds there is a need for such improvements.
- (5) Reserve strips. Reserve strips of land which might be used to control access from a proposed subdivision to any neighboring property, or to any land within the subdivision itself, shall be prohibited.
- (6) Preservation of natural features. The Planning Board shall, wherever possible, seek to preserve all natural features which add value to residential developments and to the community, such as large trees or groves, watercourses and falls, beaches, historic spots, vistas and similar irreplaceable assets. No tree with a diameter of 20 inches or more at breast height shall be removed unless the tree is within the right-of-way of a street as shown on the final subdivision plat or the tree is damaged or diseased. Removal of additional trees shall be subject to the approval of the Planning Board. In no case, however, shall a tree with a diameter of 20 inches or more as measured at breast height above the base of the trunk be indicated to be removed without prior approval by the Planning Board. All trees 20 inches in diameter or greater at breast height shall be shown on the plat or survey map.

**W. Waivers of certain required improvements.**

- (1) Where the Planning Board finds that, due to special circumstances of a particular plat, the provision of certain required improvements is not requisite to the interest of the public health, safety and general welfare or is inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the proposed subdivision, the Board may waive such requirements subject to appropriate conditions, provided that such waiver will not have the effect of nullifying the intent and purpose of the Official Map, the Ulysses Comprehensive Plan or this chapter.
- (2) In granting waivers, the Planning Board shall require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so waived.

**Section 21. Enforcement.**

Any violation of this Local Law must be subject to the same civil and criminal penalties provided for in the Town of Ulysses Code §212-4 Enforcement; penalties for offenses.

**Section 22. Severability.**

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision or phrase of the aforementioned sections as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional must not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision or phrase, which must remain in full force and effect.

**Section 23. Effective date.**

1/23/19

This Local Law shall take effect immediately upon its filing with the New York Secretary of State.